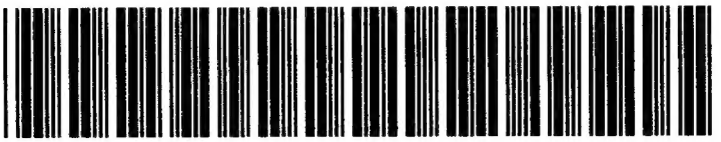

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

Document Scanning Lead Sheet

Aug-28-2014 3:19 pm

Case Number: CGC-14-541399

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COMPLAINT

CITY AND COUNTY OF SAN FRANCISCO A MUNICIPAL VS. MARGARET CREAR ET AL

001C04603976

Instructions:

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CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
DENNIS J. HERRERA, City Attorney (SBN 139669)
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ATTORNEY FOR (Name): Plaintiffs CCSF and People of the State

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2014 AUG 28 PM 3:25
CLERK OF THE COURT
BY: DEPUTY CLERK
M.A. MORAN

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street, Room 103
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME: SAN FRANCISCO

CASE NAME: CITY AND COUNTY OF SAN FRANCISCO v. MILDRED CREAR

CASE NUMBER: CGC 14-541399

CIVIL CASE COVER SHEET
[x] **Unlimited** (Amount demanded exceeds $25,000) [ ] **Limited** (Amount demanded is $25,000 or less)

Complex Case Designation
[ ] **Counter** [ ] **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort
- [ ] Auto (22)
- [ ] Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- [ ] Asbestos (04)
- [ ] Product liability (24)
- [ ] Medical malpractice (45)
- [ ] Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- [ ] Business tort/unfair business practice (07)
- [ ] Civil rights (08)
- [ ] Defamation (13)
- [ ] Fraud (16)
- [ ] Intellectual property (19)
- [ ] Professional negligence (25)
- [ ] Other non-PI/PD/WD tort (35)

Employment
- [ ] Wrongful termination (36)
- [ ] Other employment (15)

Contract
- [ ] Breach of contract/warranty (06)
- [ ] Rule 3.740 collections (09)
- [ ] Other collections (09)
- [ ] Insurance coverage (18)
- [ ] Other contract (37)

Real Property
- [ ] Eminent domain/Inverse condemnation (14)
- [ ] Wrongful eviction (33)
- [ ] Other real property (26)

Unlawful Detainer
- [ ] Commercial (31)
- [ ] Residential (32)
- [ ] Drugs (38)

Judicial Review
- [ ] Asset forfeiture (05)
- [ ] Petition re: arbitration award (11)
- [ ] Writ of mandate (02)
- [ ] Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
- [ ] Antitrust/Trade regulation (03)
- [ ] Construction defect (10)
- [ ] Mass tort (40)
- [ ] Securities litigation (28)
- [ ] Environmental/Toxic tort (30)
- [ ] Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- [ ] Enforcement of judgment (20)

Miscellaneous Civil Complaint
- [ ] RICO (27)
- [x] Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- [ ] Partnership and corporate governance (21)
- [ ] Other petition *(not specified above)* (43)

2. This case [ ] is [x] is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. [ ] Large number of separately represented parties
   b. [ ] Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. [ ] Substantial amount of documentary evidence
   d. [ ] Large number of witnesses
   e. [ ] Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. [ ] Substantial postjudgment judicial supervision
3. Remedies sought *(check all that apply)*: a. [x] monetary b. [x] nonmonetary; declaratory or injunctive relief c. [ ] punitive
4. Number of causes of action *(specify)*: Four
5. This case [ ] is [x] is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *(You may use form CM-015.)*

Date: August 28, 2014

MEGAN CESARE-EASTMAN, Deputy City Attorney
(TYPE OR PRINT NAME)

Megan Cesare
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]

CIVIL CASE COVER SHEET

Legal Solutions Plus

Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740;
Cal. Standards of Judicial Administration, std. 3.10

ORIGINAL

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CITY AND COUNTY OF SAN FRANCISCO and
PEOPLE OF THE STATE OF CALIFORNIA

FILED
Superior Court of California
County of San Francisco
AUG 28 2014
CLERK OF THE COURT
BY: Mary Ann Moran
Deputy Clerk
M.A. MORAN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

CITY AND COUNTY OF SAN FRANCISCO, a Municipal Corporation, and the PEOPLE OF THE STATE OF CALIFORNIA, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, Plaintiffs, vs. MILDRED CREAR and DOE ONE through DOE FIFTY, inclusive, Defendants.	Case No. CGC 14-541399 **COMPLAINT FOR INJUNCTIVE AND OTHER RELIEF** [REAL PROPERTY] Type of Case: (42) Other Complaint

The City and County of San Francisco ("City"), a municipal corporation, and the People of the State of California ("People"), by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco, (collectively "Plaintiffs") for their complaint against Mildred Crear ("Crear" or "Owner"), and Doe One through Doe Fifty (collectively "Defendants"), hereby allege as set forth below:

///

INTRODUCTION

1. This action arises out of Defendants' ownership, maintenance, operation and management of residential and commercial properties located at 583-587 Haight Street, San Francisco, California ("587 Haight") and 575-579 Haight Street, San Francisco, California ("575 Haight") (collectively "Properties") in violation of state and local health and safety laws, and as a public nuisance that substantially endangers the health, welfare and safety of the neighbors, the residents of the City and County of San Francisco, and the People of the State of California. Specifically, Defendants have jeopardized the welfare of residents and citizens by their longstanding failure and refusal to maintain their Properties, and by ignoring their substandard conditions which includes: deteriorated rear exterior stairs and decking; structural failure at the rear porch; faulty handrails; broken, dilapidated, and missing windows; improper locks; hazardous plumbing conditions; deteriorated drainage pipes; inadequate lighting; damaged ceilings; damage from water intrusion; mold; failure to obtain appropriate permits to perform various repairs; damaged walls and paint posing a lead hazard; and other conditions substantially endangering the health and safety of tenants and the public.

2. Defendants have failed, and continue to fail, to comply with six Notices of Violation issued by the Department of Building Inspection ("DBI") for 587 Haight on February 26, 2003, August 8, 2006, September 11, 2006, December 3, 2010, May 8, 2012, and May 12, 2014, as well as five corresponding Orders of Abatement issued by DBI on September 17, 2003, February 13, 2007, October 5, 2010, August 20, 2012, and July 24, 2014. The six Notices of Violation and five Orders of Abatement specified the code violations and set identified deadlines for what Defendants were required to do to abate the violations. To date, the vast majority of those violations remain outstanding.

3. Defendants have failed, and continue to fail, to comply with two additional Notices of Violation issued by DBI for 575 Haight on May 1, 2006 and July 2, 2006, as well as the two corresponding Orders of Abatement issued by DBI on February 23, 2007. The two Notices of Violation and Orders of Abatement specified the code violations and set identified deadlines for what

Defendants were required to do to abate the violations. To date, the vast majority of those violations remain outstanding.

PARTIES AND SUBJECT PROPERTY

4. Plaintiff CITY AND COUNTY OF SAN FRANCISCO is a municipal corporation, organized and existing under and by virtue of the laws of the State of California.

5. Plaintiff CITY AND COUNTY OF SAN FRANCISCO brings this action under the San Francisco Housing, Building, Electrical, and Plumbing Codes, and California Health and Safety Code Sections 17920 through 17992 (also known as the "State Housing Law"), Civil Code Sections 3479, 3480, 3491, 3494, and Code of Civil Procedure Section 731.

6. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, by and through DENNIS J. HERRERA, City Attorney for the City and County of San Francisco, brings this action pursuant to Civil Code Sections 3479, 3480, 3491, 3494, Code of Civil Procedure Section 731, and Business and Professions Code Section 17200 *et seq.* (also known as the "Unfair Competition Law.

7. At all times herein mentioned, Defendants have been the sole owners, operators, managers, maintainers, or agents thereof, of the real property and all buildings and other improvements located at 583-587 Haight Street, Block 0860, Lot 028, in the City and County of San Francisco, State of California and 575-579 Haight Street, Block 0860, Lot 029, in the City and County of San Francisco, State of California ("Properties"). The Properties are more particularly described in **Exhibit A**, attached hereto and incorporated as part of this Complaint.

8. Defendants are sued in their capacity as owners and/or managers of the Properties and as the persons committing the acts alleged in this Complaint or the persons directing the commission of the acts alleged in this Complaint.

9. Defendants DOE ONE through DOE FIFTY are sued herein under fictitious names. Plaintiffs do not at this time know the true names and capacities of these defendants, but pray that the same may be inserted when ascertained.

10. At all times herein mentioned, each Defendant was an agent, servant, employee, partner, franchisee, and joint venturer of the other defendant, and at all times was acting within the course and scope of this agency, service, employment, partnership, franchise, and joint venture.

11. Actions taken or omissions made by Defendants' employees, agents, or representatives in the course of their employment, agency, or representation shall be considered actions or omissions of Defendants for purposes of this Complaint.

12. Whenever reference is made in this Complaint to any act or omission of "Defendants," such allegation shall mean that Defendants did or authorized the act or omission, or recklessly and carelessly failed and omitted to supervise, control, or direct other persons who engaged in the act or omission.

GENERAL ALLEGATIONS

13. 587 Haight is a three-story building, with one ground-floor commercial unit and a two-family dwelling unit on two floors over the commercial unit.

14. Plaintiffs are informed and believe that Defendants have owned and managed 587 Haight since 1976.

15. 575 Haight is a three-story building, with one ground-floor commercial unit and a two-family dwelling unit on two floors over the commercial unit.

16. Plaintiffs are informed and believe that Defendants have owned and managed 575 Haight since 1976.

17. At all times herein referenced, Crear's address of record, as listed at the San Francisco Assessor's Office, has been 5845 Mendocino Avenue, Oakland, California, 94618.

18. As outlined below, Defendants have ignored San Francisco Department of Building Inspection's duly-issued administrative Notices and Orders, have failed and refused to abate the cited code violations, and have maintained, and continue to maintain, the Properties as public nuisances and in substandard condition, in violation of the San Francisco Housing and Building Codes, the California Health and Safety Code, the California Civil Code, and the California Business and Professions Code. Defendants have also failed to obtain appropriate building, plumbing and/or electrical permits to abate the violations.

19. At the time of trial, Plaintiffs will move the Court to amend this Complaint to include any additional conditions or violations discovered after the filing of this Complaint.

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VIOLATIONS AT 587 HAIGHT STREET

NOTICE OF VIOLATION 200235750

20. On February 26, 2003, the Department of Building Inspection, Housing Inspection Services ("HIS") inspected 587 Haight. That same day, HIS issued a Notice of Violation numbered 200235750 ("NOV 200235750") to Crear, noting numerous San Francisco Municipal Housing Code violations, including, but not limited to, the deterioration of the wood rear exterior stairs and decking, evidence of structural failure at the third floor rear porch, the need for appropriate handrails on the stairs, the non-existence of a valid permit for previous repair work to the stairs, and broken glazing. NOV 200235750 identified the violations and required Crear to apply for a building permit and complete all repair work within 30 days. NOV 200235750 also stated that HIS would re-inspect the property on April 1, 2003. A true and correct copy of NOV 200235750 is attached hereto as **Exhibit B** and incorporated as part of this Complaint.

21. No re-inspection of the Property took place on April 3, 2003 because the Owner claimed unavailability due to travel.

22. On August 13, 2003, HIS posted a Notice of Director's Hearing, set for August 28, 2003.

23. On August 28, 2003, the San Francisco Department of Building Inspection ("DBI") held a Director's Hearing. Crear did not attend the hearing.

24. On September 17, 2003, the Director of DBI issued an Order of Abatement for NOV 200235750, numbered 200235750-A ("OOA 200235750-A"). OOA 200235750-A declared the Property to be a public nuisance and ordered Crear to obtain a building permit and complete all work within 15 days. A true and correct copy of the OOA 200235750-A is attached hereto as **Exhibit C** and incorporated as part of this Complaint.

25. OOA 200235750-A was recorded with the Assessor-Recorder's office on November 4, 2003.

26. On November 23, 2010, HIS sent the Owner a letter noting the code violations in NOV 200235750 and OOA 200235750-A remained outstanding, and gave the Owner 15 days to abate the

violations to avoid a litigation referral. A true and correct copy of HIS's November 23, 2014 letter is attached hereto as **Exhibit D** and incorporated as part of this complaint.

27. In 2010 and 2011 HIS conducted two subsequent inspections of 587 Haight and found that all violations in NOV 200235750 remained unabated.

28. On March 14, 2014, HIS conducted an additional reinspection of 587 Haight and found that the majority of the violations in NOV 200235750 remained unabated.

29. Plaintiffs are informed and believe that Crear has not applied for any permits to correct this violation as of the filing of this Complaint.

NOTICE OF VIOLATION 200671966

30. On August 4, 2006 HIS inspected 587 Haight. On August 8, 2006, HIS issued a Notice of Violation numbered 200671966 ("NOV 200671966") with a lengthy list of San Francisco Housing Code, Plumbing Code and Electrical Code violations, including, but not limited to, a missing threshold, faulty window glazing, missing stair handrails, deteriorated exterior rear stairway, lack of weatherproofing, dry rot in window sills, damaged fencing, improper locks, hazardous plumbing conditions, deteriorated drainage pipes at exterior, inadequate lighting, damaged ceilings, water intrusion damage, seismically-unsound water heater, faulty rear exit door, missing locks and doorknobs, and lack of heat in habitable rooms. NOV 200671966 required Crear to obtain building, electrical, and plumbing permits for required repair work, to complete all work within 30 days, and set a reinspection for September 7, 2006. A true and correct copy of NOV 200671966 is attached hereto as **Exhibit E** and incorporated as part of this Complaint.

31. On September 7, 2006, HIS re-inspected 587 Haight and found that all violations remained uncorrected. After a discussion with the owner, HIS granted an additional 30 days to complete work and set a reinspection date for October 9, 2006. The October 9, 2006 reinspection date was subsequently rescheduled, and eventually took place on December 11, 2006. On that date, HIS found that all violations remained uncorrected.

32. On January 25, 2007, HIS posted a Notice of Director's Hearing, set for February 8, 2007.

33. On February 8, 2007, DBI held a Director's Hearing. Crear was represented at the hearing. On February 13, 2007, the Director of DBI issued an Order of Abatement regarding NOV 200671966, numbered 200671966-A ("OOA 200671966-A"). OOA 200671966-A declared 587 Haight to be a public nuisance, ordered Crear to obtain a building permit within 15 days, and complete all work within 30 days. A true and correct copy of OOA 200671966-A is attached hereto as **Exhibit F** and incorporated as part of this Complaint.

34. OOA 200671966-A was recorded with the Assessor-Recorder's Office on April 24, 2007.

35. HIS conducted four subsequent reinspections of 587 Haight on April 20, 2007, November 19, 2010, November 24, 2010, and January 4, 2011, and found that the majority of the violations in NOV 200671966 remained unabated.

36. On November 23, 2010, HIS sent the Owner a letter noting that the code violations in NOV 200671966 and OOA 200671966-A remained outstanding, and giving the Owner 15 days to abate the violations to avoid a litigation referral. See, **Exhibit D** hereto.

37. On March 14, 2014, HIS conducted an additional reinspection of 587 Haight and found the majority of the violations in NOV 200671966 and OOA 200671966-A remained unabated.

NOTICE OF VIOLATION 200674552

38. On September 11, 2006, DBI inspected 587 Haight, and issued a Notice of Violation numbered 200674552 ("NOV 200674552") for violations of the San Francisco Building Code, including construction of stairs without a building permit. NOV 200674552 required Crear to file a building permit within 15 days, obtain all permits within 28 days, and complete all work, including final inspection and sign off, within 45 days. A true and correct copy of NOV 200674552 is attached hereto as **Exhibit G**, and incorporated as part of this Complaint.

39. On October 17, 2006, BID issued a second Notice of Violation noting the Owner's failure to comply with NOV 200674552, and noting that BID would begin abatement proceedings. A true and correct copy of this second Notice of Violation is attached hereto as **Exhibit H**, and incorporated as part of this Complaint.

40. BID referred NOV 200674552 for a Director's Hearing, which occurred on September 9, 2010. Crear was represented at the Hearing.

41. On October 25, 2010 BID issued an Order of Abatement for NOV 200674552 ("OOA 103704-A"). OOA 103704-A gave Crear 30 days to file an application to comply with NOV 200674552, 10 days to pick up the permit, and 60 days to complete all work, including final inspection approval. A true and correct copy of OOA 103704-A is attached hereto as **Exhibit I,** and incorporated as part of this Complaint.

42. Plaintiffs are informed and believe that Crear has not applied for any permits to correct this violation as of the filing of this Complaint.

NOTICE OF VIOLATION 201079226

43. In 2010, HIS received additional complaints about 587 Haight. HIS inspected the Property on November 24, 2010. On December 3, 2010, HIS issued Notice of Violation 201079226 ("NOV 201079226") for violations of the San Francisco Housing Code, including, but not limited to, broken windows, leaking and damaged ceilings, mold, lead hazards from damaged and peeling paint, deteriorated doors, deteriorated pipes, and damaged exterior weatherproofing. NOV 201079226 instructed Crear to complete all work within 30 days, and set a reinspection for January 4, 2011. A true and correct copy of NOV 201079226 is attached hereto as **Exhibit J** and incorporated as part of this Complaint.

44. HIS conducted four subsequent reinspections of 587 Haight on December 21, 2010, January 4, 2011, April 27, 2011, and May 3, 2012, and found that the majority of the violations in NOV 201079226 remained unabated.

45. HIS referred the case for a Director's Hearing, which occurred on June 28, 2012. The Director of DBI issued an Order of Abatement for NOV 201079226, also numbered 201079226 ("OOA 201079226-A"), on July 26, 2012. The OOA required Crear to abate all outstanding violations in NOV 201079226, within seven days. A true and correct copy of OOA 201079226-A is attached hereto as **Exhibit K** and incorporated as part of this Complaint.

46. On March 14, 2014, HIS conducted an additional reinspection of 587 Haight and found the majority of the violations in NOV 201079226 and OOA 201079226 remained unabated.

47. Plaintiffs are informed and believe that Crear has not applied for any permits to correct this violation as of the filing of this Complaint.

NOTICE OF VIOLATION 201224621

48. HIS received an additional complaint and inspected 587 Haight on May 3, 2012. HIS issued Notice of Violation numbered 201224621 ("NOV 201224621") on May 8, 2012 for violations of the San Francisco Housing Code, including damaged windows. NOV 201224621 instructed Crear to complete all work within 30 days, and set a reinspection for June 11, 2012. A true and correct copy of NOV 201224621 is attached hereto as **Exhibit L** and incorporated as part of this Complaint.

49. HIS conducted a reinspections on January 31, 2014 and March 14, 2014 and found the violation noted in NOV 201224621 remained unabated.

50. Plaintiffs are informed and believe that Crear has not applied for any permits to correct this violation as of the filing of this Complaint.

NOTICE OF VIOLATION 201473342

51. HIS inspected 587 Haight on May 12, 2014, and issued Notice of Violation numbered 201473342 ("NOV 201473342") that same day for violations of the San Francisco Housing Code and Electrical Code for failure to provide functional interior lighting. NOV 201473342 instructed Crear to complete all work within 21 days, including obtaining an Electrical Permit if additional wiring was needed to correct the violation, and set a reinspection for June 2, 2014. A true and correct copy of NOV 201473342 is attached hereto as **Exhibit M** and incorporated as part of this Complaint.

52. HIS conducted a reinspection on June 9, 2014, and found that the violation noted in NOV 201473342 remained unabated.

53. HIS referred the case for a Director's Hearing, which occurred on July 3, 2014. The Director of DBI issued an Order of Abatement for NOV 201473342, numbered 201473342A ("OOA 201473342A"), on July 24, 2014. The OOA required Crear to abate all outstanding violations in NOV 201473342, within seven days. A true and correct copy of OOA 201473342A is attached hereto as **Exhibit N** and incorporated as part of this Complaint.

54. OOA 201473342-A was recorded with the Assessor-Recorder's Office on August 25, 2014.

VIOLATIONS AT 575 HAIGHT STREET

NOTICE OF VIOLATION 200668632

55. HIS inspected 575 Haight on April 17, 2006. On May 1, 2006, HIS issued a Notice of Violation numbered 200668632 ("NOV 200658532") for violations of the San Francisco Housing Code, including, but not limited to, deteriorated stairs, missing external weatherproofing, egress obstruction, broken sink, faucet and toilet and doors, improper drainage at deck, water damaged walls and ceilings, and damaged paint creating a lead hazard. NOV 200658532 gave Crear 30 days to abate the violations, and scheduled a reinspection on August 3, 2006. A true and correct copy of NOV 200658532 is attached hereto as **Exhibit O** and incorporated as part of this Complaint.

56. HIS conducted reinspections at 575 Haight on June 5, 2006, June 27, 2006, and August 3, 2006, and found that items from NOV 200658532 remained uncorrected.

57. On January 25, 2007, HIS posted a notice of Director's Hearing. The Director's Hearing occurred on February 8, 2007. The Director of DBI issued an Order of Abatement for NOV 200671108, numbered 200668632-A ("OOA 200668632-A") on February 13, 2007. OOA 200668632-A required Crear to abate all outstanding violations in NOV 200671108 within 30 days. A true and correct copy of OOA 200668632-A is attached hereto as **Exhibit Q** and incorporated as part of this Complaint.

NOTICE OF VIOLATION 200671108

58. HIS inspected 575 Haight on June 27, 2006 and issued a Notice of Violation numbered 200671108 ("NOV 200671108 ") on July 2, 2006 for violations of the San Francisco Housing Code, including, but not limited to, broken windows, broken sink, accumulation of trash, damaged paint creating a lead hazard, severely soiled carpeting, severely deteriorated walls and ceiling, broken gas heater, deteriorated cabinets and floor coverings, damaged and missing doors, mold and mildew, missing light, and broken entry lock. NOV 200671108 required Crear to abate all violations within 30 days, and scheduled a reinspection on August 2, 2006. A true and correct copy of NOV 200671108 is attached hereto as **Exhibit P** and incorporated as part of this Complaint.

59. HIS conducted reinspections of 575 Haight on August 3, 2006 and December 11, 2006, and found that items listed in NOV 200671108 remained uncorrected.

60. On January 25, 2007, HIS posted a Notice of Director's Hearing. The Director's Hearing occurred on February 8, 2007. The Director of DBI issued an Order of Abatement for NOV 200671108, numbered 200668632-A ("OOA 200668632-A") on February 13, 2007. OOA 200668632-A required Crear to abate all outstanding violations in NOV 200671108 within 30 days. A true and correct copy of OOA 200668632-A is attached hereto as **Exhibit Q** and incorporated as part of this Complaint.

FIRST CAUSE OF ACTION FOR VIOLATION OF THE STATE HOUSING LAW BROUGHT BY PLAINTIFFS THE CITY AND COUNTY OF SAN FRANCISCO AGAINST ALL DEFENDANTS (Health and Safety Code Sections 17920-17980.9)

61. Plaintiffs hereby incorporate by reference paragraphs 1-60, above, as though fully set forth herein.

62. Defendants are now, and for a considerable period of time heretofore, and at all relevant times herein mentioned have been, maintaining the Properties as substandard buildings as defined by Health and Safety Code Section 17920.3, which substantially endangers the life, limb, health, property, safety, or welfare of the public.

63. At all times herein mentioned Defendants have had notice and knowledge that said premises constituted a substandard building because they were served with administrative Notices and Orders issued by HIS and DBI.

64. Plaintiffs have no adequate remedy at law in that damages are insufficient to protect the public from the harm caused by the conditions described above.

65. Unless injunctive relief is granted, the residents of the Properties and the residents and citizens of the City and County of San Francisco, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the continuous enjoyment of the life and the free use of property of said residents of the City and County of San Francisco and the People of the State of California.

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SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE BY PLAINTIFFS AGAINST ALL DEFENDANTS

COUNT ONE
PUBLIC NUISANCE PER SE
(San Francisco Municipal Housing, Building, Electrical, and Plumbing Codes)

66. Plaintiffs hereby incorporate by reference paragraphs 1-60, above, as though fully set forth herein.

67. Plaintiff CITY AND COUNTY OF SAN FRANCISCO brings this cause of action pursuant to the San Francisco Municipal Housing, Building, Electrical and Plumbing Codes.

68. Defendants are now, and for a considerable period of time and at all times herein mentioned have been, maintaining the Properties in violation of the San Francisco Municipal Housing Code. Pursuant to Housing Code Section 401, any condition that is dangerous to human life or is detrimental to health, or is a fire hazard, or any building that has insufficient ventilation or illumination or inadequate or unsanitary sewage or plumbing facilities, or any substandard building, or that has mold or mildew, is a *per se* public nuisance. The conditions constituting a continuing public nuisance in violation of San Francisco Housing Code are more fully described above in paragraphs 1-57 and attached Exhibits A-P.

69. Defendants are now, and for a considerable period of time and at all relevant times herein mentioned have been, maintaining 587 Haight in violation of the San Francisco Building Code. Pursuant to Building Code Section 102A, any building, structure, property, or part thereof, that is structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or is otherwise dangerous to human life, safety, or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or was erected, moved, altered, constructed or maintained in violation of law or ordinance, is unsafe and a public nuisance. The conditions constituting the public nuisance are more fully described above in paragraphs 1-51 and attached Exhibits A-M.

70. At all times herein mentioned Defendants have had notice and knowledge that the Properties constituted a public nuisance and an unsafe building or structure because they were served

with administrative Notices and Orders issued by HIS and DBI, but failed and refused to take reasonable steps to abate the nuisance.

71. Plaintiffs have no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described above.

72. Unless said nuisance is abated, the residents of the adjacent properties, the surrounding neighborhood, and the residents and citizens of the City and County of San Francisco, will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the continuous enjoyment of the life and the free use of property of said residents of the City and County of San Francisco and the People of the State of California.

73. By maintaining the Properties in a manner violating the San Francisco Housing Code, Defendants have violated, disobeyed, omitted, neglected and refused to comply with the San Francisco Housing Code and the orders issued by HIS and DBI, and Defendants are thus subject to civil penalties up to $1,000 per day for each day that such violations existed and were permitted to continue as set forth in Housing Code section 204(c)(2).

74. By maintaining 587 Haight in a manner violating the San Francisco Building Code, Defendants have violated, disobeyed, omitted, neglected and refused to comply with the San Francisco Building Code and the orders issued by HIS, and Defendants are thus subject to civil penalties up to $500 per day for each day that such violations existed and were permitted to continue as set forth in Building Code section 103A.

75. By maintaining 587 Haight in a manner violating the San Francisco Plumbing Code, Defendants have violated, disobeyed, omitted, neglected and refused to comply with the San Francisco Plumbing Code and the orders issued by HIS, and Defendants are thus subject to civil penalties up to $500 per day for each day that such violations existed and were permitted to continue as set forth in Plumbing Code section 102.5.

76. By maintaining 587 Haight in a manner violating the San Francisco Electrical Code, Defendants have violated, disobeyed, omitted, neglected and refused to comply with the San Francisco Electrical Code and the orders issued by HIS, and Defendants are thus subject to civil penalties up to

$500 per day for each day that such violations existed and were permitted to continue as set forth in Electrical Code section 89.125.

COUNT TWO
GENERAL PUBLIC NUISANCE STATUTE
(Civil Code Sections 3479, 3480)

77. Plaintiffs hereby incorporate by reference Paragraphs 1 through 76, above, as though fully set forth herein.

78. As described above, Defendants are now, and for a considerable period of time, and all relevant times, have been, maintaining the Properties in such a manner as to constitute a continuing public nuisance within the meaning of Civil Code Sections 3479 and 3480. The practices described above are injurious to the health and safety of the residents and the community, are offensive to the senses, and interfere with the comfortable enjoyment of life and property. The practices described above also affect a considerable number of persons and an entire community or neighborhood.

79. At all times herein mentioned, Defendants knew or should have known that the Properties were being maintained as a public nuisance, as alleged in the Complaint, but failed and refused to take reasonable steps to abate the nuisance.

80. Unless enjoined, Defendants will continue to operate the Properties in the above-described condition as a public nuisance.

81. Plaintiffs have no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described above. Unless injunctive relief is granted to enjoin Defendants, the public will suffer irreparable injury and damage.

82. Unless this nuisance is abated, the community, neighborhood, and the residents and citizens of the State of California and the City and County of San Francisco will suffer irreparable injury and damage, in that said conditions will continue to be injurious to the enjoyment and the free use of the life and property of said residents and citizens of the State of California and the City and County of San Francisco.

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THIRD CAUSE OF ACTION FOR NON-COMPLIANCE WITH AN ORDER OF ABATEMENT ISSUED BY THE SAN FRANCISCO DEPARTMENT OF BUILDING INSPECTION BROUGHT BY PLAINTIFF CITY AND COUNTY OF SAN FRANCISCO AGAINST ALL DEFENDANTS

(San Francisco Building Code Sections 102A and 103A, and Housing Code Section 204)

83. Plaintiff hereby incorporates by reference Paragraphs 1 through 60, above, as though fully set forth.

84. As described above, and as set forth in the incorporated Exhibits A-Q to this Complaint, DBI and HIS issued Notices of Violation to Defendants, pursuant to San Francisco Building Codes and Housing Codes, for violations at the Properties.

85. Defendants failed to comply with the Notices of Violation, by continuing to allow the Properties to remain in an unsafe and illegal condition for a substantial period of time.

86. As described above, and as set forth in the incorporated Exhibits to this Complaint, the Director of DBI issued Orders of Abatement to Defendants for violations at the Properties. These Orders of Abatement remain outstanding.

87. Defendants failed to comply with the Orders of Abatement by continuing to maintain the substandard and unsafe condition of the Properties and by not filing the necessary building, plumbing, and/or electrical permit applications to repair the unsafe conditions.

88. Defendants are subject to civil penalties of up to $1000 for each day that they failed to comply with the DBI and HIS's Notices of Violation and DBI's Orders of Abatement, as set forth in Housing Code Section 204(c)(2).

FOURTH CAUSE OF ACTION FOR UNFAIR AND UNLAWFUL BUSINESS PRACTICES BROUGHT BY PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA AGAINST ALL DEFENDANTS

(Business and Professions Code Sections 17200-17210)

89. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA hereby incorporate by reference Paragraphs 1 through 60 and make them a part of this Fourth Cause of Action, as though fully set forth herein.

90. Plaintiff, acting to protect the public as consumers and competitors from unlawful practices, brings this cause of action in the public interest in the name of the People of the State of California, pursuant to Business and Professions Code Sections 17200-17210.

91. Defendants own and manage two mixed use residential and commercial buildings, 587 Haight and 575 Haight, in the City and County of San Francisco, State of California. The violations of law described herein have been and are being carried out wholly or in part within the City and County of San Francisco.

92. Defendants' actions are in violation of the laws and public policies of the City and County of San Francisco and the State of California and are inimical to the rights and interests of the general public. Unless enjoined and restrained by an order of this Court, Defendants will continue to engage in the unlawful and unfair acts and course of conduct described herein.

93. Through the conduct described above in paragraphs 1-57, Defendants have engaged in the following unlawful and unfair business practices prohibited by the Business and Professions Code Sections 17200-17210: violation of the State Housing Law, and creating, permitting, and maintaining a public nuisance at the Properties.

94. Plaintiffs are likely to have evidentiary support, after reasonable opportunity for further investigation and discovery, to allege that as a direct and proximate result of the foregoing acts and practices, Defendants received income, savings, capital appreciation, and/or other benefits that they would not have received if they had not engaged in the violations of the Business and Professions Code as described in this Complaint.

95. The actions and conduct of Defendants in sustaining these unlawful and unfair business practices have caused residents of the surrounding community and neighborhood and the City and County of San Francisco, and the People of the State of California to suffer irreparable harm for which this Court should award civil penalties pursuant to Business and Professions Code Sections 17200-17210.

96. Plaintiffs have no adequate remedy at law in that damages are insufficient to protect the public from the present danger and harm caused by the conditions described in this Complaint. Defendants will continue to engage in unlawful and unfair business practices. Unless Defendants are

enjoined by an order of this Court from engaging in the above described unlawful and unfair business practices, and ordered to pay civil penalties pursuant to Business and Professions Code Sections 17200-17210 said residents and merchants of the surrounding community and neighborhood and the City and County of San Francisco will continue to suffer irreparable injury and damage, and will be prevented from the comfortable enjoyment of life and property.

97. Defendants are subject to civil penalties of up to $2,500 per violation of the Business and Professions Code for each act of unlawful and unfair competition pursuant to Business and Professions Code Section 17206, as well as to disgorgement of profits as authorized by Business and Professions Code Section 17203.

WHEREFORE, Plaintiffs pray that:

1. Defendants be declared to have violated Health and Safety Code Section 17980, the San Francisco Municipal Housing, Building, Plumbing and Electrical Codes, Civil Code Sections 3479 and 3480, the State Housing Law, and the Unfair Competition Law;

2. The property and structure located at 585-587 Haight Street, San Francisco, California, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and a *per se* public nuisance, to be permanently abated in accordance with Health and Safety Code Section 17980, the San Francisco Housing Code Section 204, San Francisco Building Code Section 102A, Civil Code Section 3479 and 3480, and Code of Civil Procedure Section 731;

3. The property and structure located at 575-579 Haight Street, San Francisco, California, together with the fixtures and moveable property therein and thereon, be declared a public nuisance and a *per se* public nuisance, to be permanently abated in accordance with Health and Safety Code Section 17980, the San Francisco Housing Code Section 204, San Francisco Building Code Section 102A, Civil Code Section 3479 and 3480, and Code of Civil Procedure Section 731;

4. Defendants and their agents, officers, managers, representatives, employees, and anyone acting on their behalf, and their heirs and assignees, be permanently enjoined from operating, conducting, using, occupying, or in any way permitting the use of the property and structures at 575 Haight and 587 Haight Street as public nuisances;

5. Defendants and their agents, officers, managers, representatives, employees, and anyone acting on their behalf, and their heirs and assignees be permanently enjoined from operating, conducting, using, occupying, or in any way permitting the use of the property and structures at 575 Haight and 587 Haight in violation of Health and Safety Code Section 17980, the San Francisco Housing Code, the San Francisco Building Code, the San Francisco Plumbing Code, the San Francisco Electrical Code, Civil Code sections 3479 and 3480, the State Housing Law, and the Unfair Competition Law;

6. Defendants, their agents, officers, managers, representatives, employees, and anyone acting on their behalf, and their heirs and assignees be preliminarily and permanently enjoined from operating, conducting, using, renting, leasing, occupying, or in any way permitting the use of the Properties unless and until all parts thereto conform to law;

7. Defendants, their agents, officers, managers, representatives, employees, and anyone acting on their behalf, and their heirs and assignees be ordered to immediately cause the Properties and all parts thereof to conform to law;

8. Pursuant to San Francisco Housing Code section 204(c)(2), Defendants be ordered to pay a civil penalty of $1,000 for each day that the Housing Code violations alleged in this Complaint occurred or were permitted to continue;

9. Pursuant to San Francisco Building Code section 103A, Defendants be ordered to pay a civil penalty of $500 for each day that the Building Code violations alleged in this Complaint occurred or were permitted to continue;

10. Pursuant to San Francisco Plumbing Code section 102.5, Defendants be ordered to pay a civil penalty of $500 for each day that the Plumbing Code violations alleged in this Complaint occurred or were permitted to continue;

11. Pursuant to San Francisco Electrical Code section 89.125, Defendants be ordered to pay a civil penalty of $500 for each day that the Electrical Code violations alleged in this Complaint occurred or were permitted to continue;

12. Plaintiffs shall have a lien upon said premises in the amount expended to abate the violations and to have judgment in said amount against Defendants, their successors and assigns;

13. Recordation of an abstract of judgment in this case constitutes a prior lien over any lien that may be held on the property by any defendant to this action;

14. Defendants, their agents, officers, managers, representatives, employees, and anyone acting on their behalf, shall pay all assessment costs, pursuant to Building Code Section 102A;

15. Plaintiffs shall be awarded attorneys' fees and costs pursuant to Health and Safety Code Section 17980.7;

16. Pursuant to Health and Safety Code Section 17980.7(c) and Code of Civil Procedure sections 564-570, if Defendants fail to abate the violations, the Court may appoint a receiver to manage the Properties and correct the violations at the expense of Defendants;

17. That, pursuant to Business and Professions Code section 17206, Defendants be ordered to pay a civil penalty of $2,500 for each act of unlawful and unfair competition in violation of Business and Professions Code Section 17200;

18. That, pursuant to Business and Professions Code section 17203, Defendants be ordered to disgorge all illegally obtained profits obtained through their unlawful and unfair business practices in violation of Business and Professions Code Sections 17200-17210;

19. That, pursuant to Business and Professions Code section 17203, that the Court order restitution of all money or property acquired by Defendants as a result of the unlawful business practices to former and present occupants of the property during all times relevant to the Complaint;

20. That Defendants, and each of them, inclusive, be enjoined from spending, transferring, encumbering, or removing from California any money received from the property or in payment for the unfair and unlawful acts alleged in the Complaint;

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21. Plaintiffs be awarded costs incurred herein; and

22. Plaintiffs shall have such further and other relief as the court deems just.

Dated: August 28, 2014

DENNIS J. HERRERA
City Attorney
YVONNE MERE
Chief Attorney
MEGAN CESARE-EASTMAN
Deputy City Attorney

By: Megan Cesare
MEGAN CESARE-EASTMAN

Attorneys for Plaintiffs
CITY AND COUNTY OF SAN FRANCISCO, and
THE PEOPLE OF THE STATE OF CALIFORNIA

INDEX TO EXHIBITS

Exhibit	Description
A	Property Description for 583-587 Haight Street, San Francisco, California and 575-579 Haight Street, San Francisco, California.
B	Notice of Violation 200235750, dated February 26, 2003
C	Order of Abatement 200235750-A, issued September 17, 2003
D	Letter from HIS to Mildred Crear, dated November 23, 2010
E	Notice of Violation 200671996, dated August 8, 2006
F	Order of Abatement 200671966-A, issued February 13, 2007
G	First Notice of Violation 200674552, dated September 11, 2006
H	Second Notice of Violation 200674552, dated October 17, 2006
I	Order of Abatement 103704-A, issued October 25, 2010
J	Notice of Violation 201079226, dated December 3, 2010
K	Order of Abatement 201079226, issued July 26, 2012
L	Notice of Violation 201224621, dated May 8, 2012
M	Notice of Violation 201473342, dated May 12, 2014
N	Order of Abatement 201473342A, issued July 24, 2014
O	Notice of Violation 200668632, dated May 1, 2006
P	Notice of Violation 200671108, dated July 2, 2006
Q	Order of Abatement 200668632-A, issued February 13, 2007

EXHIBIT "A"

EXHIBIT A

Property Address:

583-587 Haight Street

All that certain real property situated within the City and County of San Francisco, State of California, described as follows:

COMMENCING at a point on the southerly line of Haight Street, distant thereon 56 feet 3 inches easterly from the easterly line of Steiner Street; running thence easterly and along said line of Haight Street 25 feet; thence at a right angle southerly 72 feet; thence at a right angle westerly 25 feet; thence at a right angle northerly 72 feet to the point of commencement.

BEING part of Western Addition Block No. 372.

Assessor's Parcel No: Lot 028, Block 0860

Property Address:

575-579 Haight Street

All that certain real property situated within the City and County of San Francisco, State of California, described as follows:

BEGINNING at a point on the southerly line of Haight Street, distant thereon 81 feet 3 inches easterly from the easterly line of Steiner Street; running thence easterly along said southerly line of Haight Street 25 feet; thence at a right angle southerly 120 feet to the northerly line of Laussat Street; thence at a right angle westerly along said northerly line of Laussat Street 25 feet; thence at a right angle northerly 120 feet to said southerly line of Haight Street and the point of beginning.

BEING a portion of Western Addition Block No. 372.

Assessor's Parcel No: Lot 029, Block 0860

EXHIBIT "B"

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200235750

OWNER/AGENT: CREAR JEFFREY AND MILDRED
MAILING ADDRESS: CREAR JEFFREY AND MILDRED
5845 MENDOCINO AVE
OAKLAND CA

94618

DATE: 26-FEB-03

LOCATION: 587 HAIGHT ST
BLOCK: 0860 **LOT:** 028
NOTICE TYPE: ROUTINE

BUILDING TYPE: APT **USE TYPE:** R1

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	587 HAIGHT ST.:
2	REPAIR STAIRS (1001(b)(13)HC)	ALL REAR EXTERIOR STAIRS & PRIVATE DECK USED AS EMERGENCY EGRESS: Wood deterioration was noted at posts, post for guardrail, & decking. REAR PORCH: Evidence of structural failure at 3rd floor porch room. Emergency egress stair attached to same rear porch is also effected. You are required to have a licensed contractor, architect, or engineer inspect emergency egress stairs & porch & their structural components and provide plans &/or a written report with recommended repairs. THEN YOU ARE REQUIRED TO SUBMIT THEIR REPORT &/OR PLANS WITH THE BUILDING PERMIT APPLICATION IN ORDER TO REPAIR/REPLACE THIS PORCH & STAIRS AS REQUIRED TO ENSURE STABILITY & SAFETY. A BUILDING PERMIT IS REQUIRED. NOTE: The Department of Building Inspection urges all owners of properties with exterior stair, decks, roof access ladders and/or other attachments to have a licensed professional pest control contractor, general building contractor, architect or engineer inspect your deck, porch, stairs, balcony or other attachements, every 2 years to assure their continued stability and safety. Have them provide a written report and if necessary to perform the recommended repairs. You are required to obtain a building permit to repair, replace, or remove any of the aforementioned building attachments.
3	PROVIDE HANDRAILS (802(c),1001(b)(13)HC)	Provide mushroom grip to recently repaired stair/handrail or provide new handrail as required by code. YOU ARE REQUIRED TO OBTAIN A BUILDING PERMIT FOR THE NEW HANDRAIL

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission St.
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200235750

4	BUILDING PERMIT REQUIRED (301 HC)	PERMIT RESEARCH FAILED TO REVEAL A VALID PERMIT FOR PREVIOUS REPAIR WORK TO STAIRS. YOU ARE REQUIRED TO OBTAIN A BUILDING PERMIT FOR PREVIOUS REPAIR WORK TO STAIRS AND FOR NEW REPAIRS TO STAIRS, HANDRAIL, PORCH, & DECKS. When all work is complete the District Building Inspector must inspect & sign the final inspection/job card before the Housing Inspector can abate this violation. Please present the application & signed/finalized job card to the Housing Inspector at reinspection.
5	REPLACE BROKEN GLASS WINDOW PANE (1001(h),708 HC)	WINDOW @ East wall on 3rd floor: Replace broken glazing as required.
6	INSPECTOR COMMENTS	YOU ARE REQUIRED TO COMPLETE ALL WORK BY THE REINSPECTION DATE NOTED BELOW. Reinspection of premise to include ALL other public areas including storage areas. PLEASE HAVE THESE AREAS UNLOCKED for REINSPECTION. Note: In order to avoid telephone tag, please do NOT leave phone messages to request alternate reinspection dates. Please call & speak with me directly. I am available by phone between the hours of 8 & 9 AM or 4 & 5 PM. If I do not answer the telephone during these hours, then follow my voice mail instructions and ask for my whereabouts. Thank you.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. **REINSPECTION DATE :** 01 April 2003 10:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Michael Quinlan AT 415-558-6197

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

DEPARTMENT OF BUILDING INSPECTION
Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street, 6th Floor, San Francisco, California 94103-2414
(415)558-6220 Fax No. (415) 558-6249 Email: DBIHIDComplaints@sfgov.org
Website: www.sfgov.org/dbi

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S).

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section **102A.3** of the San Francisco Building Code provides that in addition to the civil penalties described therein, the Department of Building Inspection's costs, including preparation, inspections, appearances at hearings and all attendant costs for this code enforcement action shall be assessed upon the property owner, at an accrued hourly rate set forth in Section **110A.**, Tables **IA-G**, and **IA-K** of the San Francisco Building Code, if the owner of record does not complete the authorized corrective action for all code violations cited in the Notice(s) of Violation, and has a final inspection by the inspector to verify complete code compliance related to said Notice(s) prior to the issuance of an Order of Abatement on the property by the Department of Building Inspection. The property owner will be notified by letter of the imposition of the Assessment of Costs following issuance and recordation of an Order of Abatement. Failure to pay the Assessment of Costs shall result in tax lien proceedings against the property owner pursuant to Sections **102A.3**, **102A.16**, **102A.17**,**102A.18** et seq., **102A.19** et seq.,and **102A.20** of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section **17274** and **24436.5** of the Revenue and Taxation Code provide, interalia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section **17274(c)** of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section **102A** of the San Francisco Building Code and Sections **204**, **401** and **1001(d)** of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section **204** of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding **$1,000.00**, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections **107A.5**, and **110A**, Table **1A-K** of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the **Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.**

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections **17980.1** and **17980.6** of the California Health & Safety Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and post or send a copy to each residential unit affected.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section **17980.6** of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section **1942.5** of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a **$170.00** fee will be charged until the violations are abated pursuant to Sections **108A.8** and **110A**, Table **IA-G** of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section **3423** of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed **$500.00** per day plus administrative costs as provided by Section **3423.8** of this Code.

UPON COMPLETION OF ALL WORK: Contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled *What You Should Know About the Department of Building Inspection Code Enforcement Process* or download the document from the Department website.

EXHIBIT "c"

RECORDING REQUESTED BY:
DEPT. OF BUILDING INSPECTION

WHEN RECORDED RETURN TO:
S. HODGE
DEPT. OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES
1660 MISSION STREET, 6TH FLOOR
SAN FRANCISCO, CA 94103

[redacted]
San Francisco Assessor-Recorder
Mabel S. Teng, Assessor-Recorder
DOC- 2003-H580003-00
Acct 40-SFCC Bureau Of Building Inspections
Tuesday, NOV 04, 2003 14:00:12
Ttl Pd $0.00 Nbr-0002318223
REEL I507 IMAGE 1185
oed/FT/1-5

(Space above this line reserved for Recorder's use)

ORDER OF ABATEMENT
587 HAIGHT STREET

ENTERED 12/4/03

Block/Lot/ No 0860/028

NO.: 200235750 – A
(DA0) (DH 08/28/03)

DEC - 4 2003
DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION DIVISION

H580003

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ORDER OF ABATEMENT
ORDER NO. 200235750 - A

Owner **Mildred Crear**
5845 Mendocino Avenue
Oakland, CA 94618

Address: 587 Haight Street
Block: 0860 Lot: 028 Seq: 01
Census Tract: 168 Source: DA0
Inspector/Division: J. Coble/HID
Complaint No: 200235750
Date Order of Abatement Issued: September 17, 2003

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **August 28, 2003** in accordance with the San Francisco Building Code Section 102. The hearing was conducted by a representative of the Director. The property owner **was not** represented.
After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation dated: **February 26, 2003**.
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102 of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICE(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

15 Days to complete all work – a Building permit is required.

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the **ASSESSMENT OF COSTS** incurred in clearing this case pursuant to Section 102.3 and 102.17 of the San Francisco Building Code.
For information contact the Inspector indicated above within Housing Inspection Services at (415) 558-6220, Fax: (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within ten (10) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board=s Secretary at 1660 Mission Street, 6th floor, (415) 558-6454.

Very truly yours,

Frank Y. Chiu, Director

Hearing Officer: Rosemary Bosque
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EXHIBIT "D"

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, 6th floor, San Francisco, California 94103-2414

November 23, 2010

FAILURE TO COMPLY WITH ORDER OF ABATEMENT

15 DAY WARNING

Jeffrey & Mildred Clear
5845 Mendocino Ave.
Oakland, CA 94618

Sent by Regular and Certified Mail
Certified Mail # 70081300000055963003

Subject: 587 Haight Street, Block/Lot: 0860/028
Orders & Complaints No. 200235750 and 200671966

Dear: Jeffrey & Mildred Clear

Code violations continue at the referenced address. Order of Abatement No. 200235750 was issued on September 17, 2003 and Order of Abatement No. 200671966 was issued on February 13, 2007, and the Orders are beyond the time frame for compliance. Review of our records indicates that an inspection is necessary to verify that all outstanding violations are abated for the code enforcement case referenced above.

Therefore, if complete compliance for Orders & Complaints Numbers 200235750 and 200671966, including the finalization of all required permits with the sign off from the appropriate divisions, is not forthcoming **within fifteen (15) days**, as verified by a site re-inspection/ permit tracking records, etc., this case will be scheduled before the Building Inspection Commission's Litigation Committee and staff will recommendation that your case be referred to the Office of the City Attorney for further code enforcement action.

You must call Housing Inspector David Herring at (415) 558-6212 to provide the requisite compliance documentation. A copy of the two Notices of Violation, and Orders of Abatement are enclosed for your reference. Thank you for your cooperation.

Very truly yours,

Rosemary Bosque
Chief Housing Inspector

Enclosures: Notices of Violation and Orders of Abatement No. 200235750 and 200671966
cc: Code Enforcement File, Senior Inspector Andrew Karcs.

EXHIBIT "E"

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission St.
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200671966

OWNER/AGENT: CREAR MILDRED
MAILING ADDRESS: CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA

94618

DATE: 08-AUG-06
LOCATION: 587 HAIGHT ST
BLOCK: 0860 **LOT :** 028
NOTICE TYPE: ROUTINE

BUILDING TYPE: APT **USE TYPE:** NA

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	AMENDED Notice of Violation issued for Apartments #585-#587 Haight Street and all common areas.
2	REPLACE THRESHOLD (802(c),1001(b)(13)HC)	Replace or repair missing threshold at base of door on rear porch entryway in Unit #587; and replace or repair threshold at front entryway door of building.
3	REPAIR WINDOW GLAZING SEAL (1001(h),(j),& 708 HC)	Caulk with sealant, all window glazings as required to weatherproof or replace windows, in second bedroom windows, third bedroom windows at rear left of hallway in Unit #587. Repair all windows in order to ensure that each window is easily openable without difficulty or special assistance. If windows are replaced, a building permit is required.
4	REPAIR HANDRAILS (802(c),1001(b)(13)HC)	Of interior entry stairway in unit AND exterior rear stairways at lower level stairs -- 1001 HC.
5	REPAIR STAIRS (1001(b)(13)HC)	Replace exterior rear exit stairway at lower level -- near rear of commercial business. Building permit required.
6	REPAIR WEATHER PROOFING ON SIDING (1001(h),703 HC)	On exterior siding, facing rear exit stairways; loose and dry rotted corner trim at rear of building requires repair/replacing.
7	BUILDING PERMIT REQUIRED (301 HC)	For replacement of exterior rear exit stairway at lower level, near rear of beauty shop.
8	REPAIR WINDOW SILL (1001(h),708 HC)	Replace dry rotted window sill in bathroom and caulk exterior of building to prevent further leakage in unit #587.
9	REPLACE FENCE (1001(b)(13) HC)	Replace damaged and collapsing rear fence at property line of building.
10	REMOVE HASPS AND PADLOCKS (801,1001(l) HC)	Remove all padlocks and hasps on entry doors of units.
11	REPAIR SINK (1001f HC)	Repair loose bathroom sink faucet in Unit #587.
12	HAZARDOUS PLUMBING CONDITIONS (1001f HC)	Replace missing pressure relief value connector on hot water heater in Unit #587.
13	REPAIR DETERIORATED DRAINAGE PIPES AT EXTERIOR (1001f HC)	Replace missing exterior drainage pipe located at bottom of lower rear stairs, on rear exterior siding of commercial business.
14	PROVIDE ADEQUATE LIGHTING (504g HC)	Provide adequate lighting at interior entry stairway of building above entry door.

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission St.
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200671966

15	PROVIDE ADEQUATE LIGHTING (504g HC)	Provide adequate lighting for exterior rear stairs at unit #587 amd all common areas. All exterior lighting to be operable at time of reinspection. Lightswitch for all exterior rear stairs to be accessible.
16	PROVIDE ELECTRICAL PERMIT (90.25 EC)	Electrical permit required for all lighting at exterior rear stairs.
17	REPAIR DAMAGED CEILING (1001b,h,o HC)	Of bathroom ceiling and third bedroom ceiling in Unit #585. At time of inspection, it was observed that a hole in the damaged bathroom ceiling exists and bubbling paint and deterioration in bedroom's ceiling, from water damage, has resulted in loose, damaged and peeling ceiling plaster. Please repair, patch and repaint ceilings.
18	REPAIR SOURCE OF WATER DAMAGE (703,1001f HC)	Of bathroom and third bedroom ceilling in #587.
19	PROVIDE ADDITIONAL SEISMIC BRACE TO THE HOT WATER HEATER. One approved strap required in upper 1/3 of tank and one in lower 1/3 of tank (4 inches above controls) (1307.2 UPC).	To hot water heater at rear porch area of #587 & #585.
20	PROVIDE MINIMUM 135 DEGREE VIEWER FOR ENTRY DOORS OF FOLLOWING UNITS (MAX MOUNTING HT OF 58") (706 HC)	For Unit #585.
21	REPLACE REAR EXIT DOOR (1001 HC)	Of rear entry, porch door at unit #587. Replace with solid core 1 3/8 in. or 1 3/4 in. door with new dead bolt and deadlatch lock.
22	PROVIDE DEADLATCH LOCKS WITH MIN 1/2" THROW AT EXIT DOORS (706 HC)	Of rear porch door in #587.
23	RESTORE DOOR HARDWARE AND ASSEMBLY (1001 HC)	Missing doorknob at main entrance door . Provide operable doorknob for front entry door of building.
24	REPAIR FRONT ENTRY DOOR (1001 HC)	Repair and close gap at front entry door, or replace at building's entrance.
25	PROVIDE HEAT TO EACH OCCUPIED HABITABLE ROOM FOR 13 HRS BETWEEN 5:00 A.M. AND 11:00 A.M. AND BETWEEN 3:00 P.M. AND 10:00 P.M. CAPABLE TO MAINTAINING A MIN. ROOM TEMP. OF 68 DEGREES F. (20 DEGREES C.). (701c HC)	At the time of inspection, it was determined that no permanently attached and properly wired heater, that conforms to the San Francisco Electric Code and Building Code, was available in all habitable rooms of Unit #585. Provide heat to all habitable rooms throughout unit. Plumbing and electric permit required.
26	PROVIDE DESIGNATED MISSING UNIT/APARTMENT IDENTIFICATION NUMBERS TO ALL UNITS (706 HC)	Provide missing numbering for each unit in #587 & #585.
27	PROVIDE ELECTRIC AND PLUMBING PERMITS (90.25 EC, 103.1. PC)	Provide heat to all habitable rooms throughout unit. Electrical and plumbing permit required.
28	PROVIDE PLUMBING PERMIT (103.1.1. PC)	Provide heat to all habitable room throughout unit. Plumbing permit required.

NOTICE OF VIOLATION

COMPLAINT: 200671966

29 INSPECTOR COMMENTS

place this language in the description field:

It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice.

If the property owner cannot attend the scheduled reinspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the reinspection.

Housing Inspector can be contacted between the hours of 8:00AM to 9:00AM and 4:00PM to 5:00PM.

ALL ITEMS MUST BE COMPLETED WITHIN 30 **DAYS. REINSPECTION DATE :** 07 September 2006 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Sergio Salvetti AT 415-558-6246

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

DEPARTMENT OF BUILDING INSPECTION
Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street, 6th Floor, San Francisco, California 94103-2414
(415)558-6220 Fax No. (415) 558-6249 Email: DBIHIDComplaints@sfgov.org
Website: www.sfgov.org/dbi

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S).

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section **102A.3** of the San Francisco Building Code provides that in addition to the civil penalties described therein, the Department of Building Inspection's costs, including preparation, inspections, appearances at hearings and all attendant costs for this code enforcement action shall be assessed upon the property owner, at an accrued hourly rate set forth in Section **110A.**, Tables **IA-G**, and **IA-K** of the San Francisco Building Code, if the owner of record does not complete the authorized corrective action for all code violations cited in the Notice(s) of Violation, and has a final inspection by the inspector to verify complete code compliance related to said Notice(s) prior to the issuance of an Order of Abatement on the property by the Department of Building Inspection. The property owner will be notified by letter of the imposition of the Assessment of Costs following issuance and recordation of an Order of Abatement. Failure to pay the Assessment of Costs shall result in tax lien proceedings against the property owner pursuant to Sections **102A.3**, **102A.16**, **102A.17**,**102A.18** et seq., **102A.19** et seq.,and **102A.20** of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section **17274** and **24436.5** of the Revenue and Taxation Code provide, interalia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section **17274(c)** of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section **102A** of the San Francisco Building Code and Sections **204**, **401** and **1001(d)** of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section **204** of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding **$1,000.00**, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections **107A.5**, and **110A**, Table **1A-K** of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the **Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.**

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections **17980.1** and **17980.6** of the California Health & Safety Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and post or send a copy to each residential unit affected.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section **17980.6** of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section **1942.5** of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a **$170.00** fee will be charged until the violations are abated pursuant to Sections **108A.8** and **110A**, Table **IA-G** of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section **3423** of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed **$500.00** per day plus administrative costs as provided by Section **3423.8** of this Code.

UPON COMPLETION OF ALL WORK: Contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled *What You Should Know About the Department of Building Inspection Code Enforcement Process* or download the document from the Department website.

EXHIBIT "F"

[redacted]

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2007-I375196-00
Acct 48-SFCC Bureau Of Building Inspections
Tuesday, APR 24, 2007 10:53:43
Ttl Pd $0.00 Nbr-0003218656
REEL J376 IMAGE 0321
cfa/FT/1-6

RECORDING REQUESTED BY:
DEPT. OF BUILDING INSPECTION

WHEN RECORDED RETURN TO:
S. HODGE
DEPT. OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES
1660 MISSION STREET, 6TH FLOOR
SAN FRANCISCO, CA 94103

(Space above this line reserved for Recorder=s use)

ORDER OF ABATEMENT

587 HAIGHT STREET

Block/Lot No: 0860/028

NOTICE OF VIOLATION NO:
200671966 DA1

(02/08/07)

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ORDER OF ABATEMENT
ORDER NO. 200671966 - A

Owner: Mildred Crear
5845 Mendocino Avenue
Oakland, CA 94618

Address: 587 Haight Street
Block: 0860 Lot: 028 Seq: 01
Census Tract: 168 Source: DA1
Inspector/Division: Marquez/HID
Complaint No: 200671966
Date Order of Abatement Issued: February 13, 2007

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **February 08, 2007** in accordance with the San Francisco Building Code Section 102. The hearing was conducted by a representative of the Director. The property owner was represented.
After a full and fair consideration of the evidence and testimony received at the hearing,
THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation dated: **August 08, 2006**.
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102 of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICE(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

30 Day Order of Abatement – File for Building permit within 15 Days; 15 Days to meet requirements of Plan Review; 30 Days to complete all work.

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the **ASSESSMENT OF COSTS** incurred in clearing this case pursuant to Section 102.3 and 102.17 of the San Francisco Building Code.
For information contact the Inspector indicated above within Housing Inspection Services at (415) 558-6220, Fax: (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within ten (10) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6454.

Very truly yours,

Amy Lee, Acting Director

APPROVED: February 13, 2007

Hearing Officer: Louise Kimbell
Enclosures

EXHIBIT "6"

NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION **NOTICE:** 1 **NUMBER:** 200674552
City and County of San Francisco **DATE:** 11-SEP-06
1660 Mission St. San Francisco, CA 94103

ADDRESS: 587 HAIGHT ST
OCCUPANCY/USE: R-1 ((H) RESIDENTIAL) **BLOCK:** 0860 **LOT:** 028

☐ **If checked, this information is based upons site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.**

OWNER/AGENT: CREAR MILDRED **PHONE #:** --
MAILING ADDRESS CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA
94618

PERSON CONTACTED @ SITE: CREAR MILDRED **PHONE #:** --

VIOLATION DESCRIPTION:

	CODE/SECTION#
☑ **WORK WITHOUT PERMIT**	106.1.1
☐ **ADDITIONAL WORK-PERMIT REQUIRED**	106.4.7
☐ **EXPIRED OR** ☐ **CANCELLED PERMIT PA#:**	106.4.4
☐ **UNSAFE BUILDING** ☐ **SEE ATTACHMENTS**	102.1

CONSTRUCTION AT LOWER LEVEL OF STAIRS WITHOUT BUILDING PERMIT, POSTS SUPPORTING STAIRS SITTING DIRECTLY ON GRADE.

CORRECTIVE ACTION:

☐ **STOP ALL WORK SFBC 104.2.4** 415-558-6120

☑ **FILE BUILDING PERMIT WITHIN 15 DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application

☑ **OBTAIN PERMIT WITHIN 28 DAYS AND COMPLETE ALL WORK WITHIN 45 DAYS, INCLUDING FINAL INSPECTION SIGN OFF.**

☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**

☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED , THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

- **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE ATTACHMENT FOR ADDITIONAL WARNINGS.**

OBTAIN BUILDING PERMIT FOR STAIR REPAIR.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☑ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER: ☐ REINSPECTION FEE $ ☐ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT **VALUE OF WORK PERFORMED W/O PERMITS $500**

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy
PHONE # 415-558-6120 DIVISION: BID DISTRICT :
By:(Inspectors's Signature) _____

EXHIBIT "H"

NOTICE OF VIOLATION

of the San Francisco Municipal Codes Regarding Unsafe, Substandard or Noncomplying Structure or Land or Occupancy

DEPARTMENT OF BUILDING INSPECTION **NOTICE:** 2 **NUMBER:** 200674552
City and County of San Francisco **DATE:** 17-OCT-06
1660 Mission St. San Francisco, CA 94103

ADDRESS: 587 HAIGHT ST

OCCUPANCY/USE: R-1 ((H) RESIDENTIAL) **BLOCK:** 0860 **LOT:** 028

☐ **If checked, this information is based upons site-observation only. Further research may indicate that legal use is different. If so, a revised Notice of Violation will be issued.**

OWNER/AGENT: CREAR MILDRED **PHONE #:** --
MAILING ADDRESS CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA
94618

PERSON CONTACTED @ SITE: CREAR MILDRED **PHONE #:** --

VIOLATION DESCRIPTION:

	CODE/SECTION#
☑ **WORK WITHOUT PERMIT**	106.1.1
☐ **ADDITIONAL WORK-PERMIT REQUIRED**	106.4.7
☐ **EXPIRED OR** ☐ **CANCELLED PERMIT PA#:**	106.4.4
☐ **UNSAFE BUILDING** ☐ **SEE ATTACHMENTS**	102.1

YOU FAILED TO COMPLY WITH NOTICE OF VIOLATION DATED 9/11/06 THEREFORE THIS DEPARTMENT HAS INITIATED ABATEMENT PROCEEDINGS AGAINST THE PROPERTY.

CORRECTIVE ACTION:

☐ **STOP ALL WORK SFBC 104.2.4** 415-558-6120

☐ **FILE BUILDING PERMIT WITHIN DAYS** ☐ **(WITH PLANS)** A copy of This Notice Must Accompany the Permit Application

☐ **OBTAIN PERMIT WITHIN DAYS AND COMPLETE ALL WORK WITHIN DAYS, INCLUDING FINAL INSPECTION AND SIGNOFF.**

☐ **CORRECT VIOLATIONS WITHIN DAYS.** ☐ **NO PERMIT REQUIRED**

☐ **YOU FAILED TO COMPLY WITH THE NOTICE(S) DATED** 11-SEP-06, **THEREFORE THIS DEPT. HAS INITIATED ABATEMENT PROCEEDINGS.**

● **FAILURE TO COMPLY WITH THIS NOTICE WILL CAUSE ABATEMENT PROCEEDINGS TO BEGIN. SEE ATTACHMENT FOR ADDITIONAL WARNINGS.**

YOU WILL BE NOTIFIED OF TIME, DATE AND PLACE OF DIRECTORS HEARING BY CODE ENFORCEMENT DIVISION, CODE ENFORCEMENT DIVISION PHONE NUMBER IS 558-6454.

INVESTIGATION FEE OR OTHER FEE WILL APPLY

☐ 9x FEE (WORK W/O PERMIT AFTER 9/1/60) ☐ 2x FEE (WORK EXCEEDING SCOPE OF PERMIT)

☐ OTHER; ☐ REINSPECTION FEE $ ☐ NO PENALTY (WORK W/O PERMIT PRIOR TO 9/1/60)

APPROX. DATE OF WORK W/O PERMIT **VALUE OF WORK PERFORMED W/O PERMITS $**

BY ORDER OF THE DIRECTOR, DEPARTMENT OF BUILDING INSPECTION

CONTACT INSPECTOR: Donal J Duffy
PHONE # 415-558-6120 DIVISION: BID DISTRICT :
By:(Inspectors's Signature) _____

EXHIBIT "I"

of San Francisco
of Building Inspection

Gavin Newsom, Mayor
Vivian L. Day, C.B.O., Director

October 25, 2010

ORDER OF ABATEMENT

Owner:
CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA
94618

Property Address: 587 HAIGHT ST,

Block: 0860 Lot: 028 Seq: 00
Tract: Case: BWO
Complaint: 200674552

Inspector: Li

ORDER OF ABATEMENT UNDER SAN FRANCISCO BUILDING CODE SECTION 102.5 & 102.6 ORDER NO. 103704-A

HEARING OF THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION AGAINST THE PROPERTY AT THE LOCATION SHOWN ABOVE WAS HELD ON **September 9, 2010** IN ACCORDANCE WITH THE SAN FRANCISCO BUILDING CODE SECTION 102.4. THE HEARING WAS CONDUCTED BY A REPRESENTATIVE OF THE DIRECTOR. **THE OWNER WAS REPRESENTED.**

BASED UPON THE FACTS AS SUBMITTED AT THE HEARING, THE DIRECTOR FINDS AND DETERMINES AS FOLLOWS:

1. THAT NOTICE HAS BEEN DULY GIVEN AS REQUIRED BY LAW AND THE ORDER OF THE DIRECTOR, AND MORE THAN 10 DAYS PRIOR TO THE HEARING.
2. THAT THE CONDITIONS ARE AS STATED IN THE COMPLAINT OF THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION.
3. THAT THE CONDITIONS OF SAID STRUCTURE CONSTITUTES A PUBLIC NUISANCE UNDER THE TERMS OF THE BUILDING CODE OF THE CITY AND COUNTY OF SAN FRANCISCO.

THE DIRECTOR HEREBY ORDERS THE OWNER OF SAID BUILDING TO COMPLY WITH THE FOLLOWING:

1.) 30 DAYS TO FILE APPLICATION (WITH PLAN) TO COMPLY WITH NOV #200674552. 2.) COMPLY WITH PLAN REVIEW COMMENTS AND TIME LIMITS. 3.) 10 DAYS TO PICK UP PERMIT. 4.) 60 DAYS TO COMPLETE ALL WORK INCLUDING FINAL INSPECTION APPROVAL.

THE TIME PERIOD SHALL COMMENCE FROM THE DATE OF THIS ORDER. THE DEPARTMENT OF BUILDING INSPECTION SHALL BE REIMBURSED BY THE OWNER OF SAID BUILDING FOR ABATEMENT COSTS PURSUANT TO THE ATTACHED AND FUTURE NOTICES.

APPEAL: PURSUANT TO SECTION 105.3 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO DISABLED ACCESS MAY BE APPEALED TO THE ACCESS APPEALS COMMISSION. PURSUANT TO SECTION 105.2 OF THE SAN FRANCISCO BUILDING CODE, ORDERS PERTAINING TO WORK WITHOUT PERMIT MAY BE APPEALED TO THE ABATEMENT APPEALS BOARD. APPEALS MUST BE IN WRITING ON FORMS OBTAINED FROM THE APPROPRIATE APPEALS BODY AT 1660 MISSION ST., SAN FRANCISCO, CA 94103, Tel: (558-6454), AND MUST BE FILED WITH THE SECRETARY OF THE APPEALS BODY WITHIN TEN (10) DAYS OF THE POSTING AND SERVICE OF THIS ORDER.

RECOMMENDED BY:

Daniel Lowrey
Chief of Building Inspection Services
Phone No. (415) 558-6570
Fax No. (415) 558-6261

APPROVED BY:

Vivian L. Day, C.B.O. Director
Department of Building Inspection
Fax No. (415) 558-6474

EXHIBIT "J"

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 201079226

OWNER/AGENT: CREAR MILDRED
MAILING ADDRESS: CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA

94618

DATE: 03-DEC-10

LOCATION: 587 HAIGHT ST
BLOCK: 0860 **LOT:** 028
NOTICE TYPE: COMPLAINT

BUILDING TYPE: APT **USE TYPE:** R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	ALL VIOLATIONS LISTED BELOW ARE LOCATED IN UNIT #587 UNLESS OTHERWISE NOTED.
2	REPAIR WINDOW SASH FRAME (1001(h),708 HC)	In unit #587 in middle bedroom, window sash stops are missing, lower sash is loose, sash cord is missing and there is no latch. Provide sash cord, replace missing window sash stops, provide latch and repair, replace and/or adjust as needed so this window operates correctly, can be latched and provides adequate seal.
3	LOCATE AND REPAIR SOURCE OF LEAK (1001-b,h HC)	In middle bedroom, leak exists at ceiling. Locate source of leak and repair so that leak is stopped.
4	REPAIR DAMAGED CEILING (1001-b HC)	In middle bedroom, ceiling has been damaged by leak - repair.
5	REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE LEAD HAZARD WARNING. (1001-b,d,k, 1301 HC)	In middle bedroom, paint has been damaged by leak at ceiling. Remove of cover damaged and peeling paint in approved manner.
6	LEAD HAZARD WARNING: Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises. Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead based paint in the interior or exterior of pre-1979 buildings. Informational packets available at (415) 558-6088 provide information on notification, performance standards, handling, containment and cleanup requirements for projects involving lead-based paint . You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 554-8930 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.	
7	LOCATE AND REPAIR SOURCE OF LEAK (1001-b,h HC)	In front west bedroom, leak exists at ceiling. Locate and repair source of leak so that leak is eliminated.

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 201079226

8	REPAIR DAMAGD CEILING AND ELIMINATE MOLD (1001-b, 1002-d HC)	In front west bedroom, leak has severely damaged ceiling materials and extensive mold is present. Remove all damaged and moldy ceiling materials and any damaged or moldy framing, allow area to fully dry out, then replace in approved manner.
9	REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE LEAD HAZARD WARNING. (1001-b,d,k, 1301 HC)	In front west bedroom, paint is damaged and peeling in several locations. Remove of cover damaged and peeling paint in approved manner.
10	REPAIR WINDOW (1001-b,h, 708 HC)	In 4th bedroom from front, window sash at middle window has no sash cords and window is hard to open. Provide sash cords and repair, replace and/or adjust as needed so this window operates correctly, can be latched and provides adequate seal.
11	REPAIR WINDOW (1001-b,h, 708 HC)	In bathroom, window sash stops are detached, sash cord is missing and there is no latch. Provide sash cord, replace detached window sash stops, provide latch and repair, replace and/or adjust as needed so this window operates correctly, can be latched and provides adequate seal.
12	REPAIR EXTERIOR DOOR (703, 1001-b,h HC)	Door between kitchen and unheated rear porch is not weathersealed, latch is hard to operate and strike plate is detached. Repair or replace door so it swings freely, has working handle/latch and is weathersealed at sides, top and bottom.
13	REPAIR WINDOW (703, 1001-b,h HC)	In porch room, window is hard to close. Repair so that all operable windows in this room operate correctly and can be closed to keep out weather.
14	PAINT (1001-b,h HC)	Repaint all areas where paint is removed or damaged or where surfaces are repaired.
15	REPAIR DETERIORATED VENT PIPES AT EXTERIOR (1001-b,f HC)	At the exterior of the building, there is a hot water heater exhaust vent pipe that has a deteriorated top and part of the pipe is detached from the wall. Repair in approved manner.
16	REPAIR DETERIORATED DRAINAGE PIPES AT EXTERIOR (1001f HC)	At the rear exterior of the building, there roof drain pipe that is detached from the wall. Repair in approved manner.
17	REPAIR EXTERIOR ENTRY DOOR (703, 706, 1001-b,h HC)	Front entry door to building is hard to operate, door sticks and does not fully self close and self lock. Repair or replace door, door hardware so this entry door operates correctly, self closes fully, self locks and can be opened from inside without a key or special knowledge.
18	REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE LEAD HAZARD WARNING. (1001-b,d,k, 1301 HC)	At front of building there is peeling and damaged paint in several locations. Remove or cover peeling or damaged paint in approved manner, here and in any other location where peeling or damaged paint exists.
19	WEATHERPROOF/PAINT EXTERIOR SIDING AND TRIM (703 HC)	Repaint or otherwise cover and waterproof all exterior surfaces where peeling or damaged paint is removed or where repairs are made.

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 201079226

20	INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s).
21	INSPECTOR COMMENTS	Repairs cited in this Notice may require Building, Plumbing and / or Electrical permits. It is the responsibility of the owner to obtain (or have others obtain) any required permits before beginning work that requires permit(s). THIS CASE CAN NOT BE ABATED UNTIL THE HOUSING INSPECTOR MAKES A FINAL INSPECTION TO VERIFY THAT ALL VIOLATIONS HAVE BEEN CORRECTED AND ALL REQUIRED PERMITS HAVE BEEN OBTAINED AND FINALIZED. ON REINSPECTION DAY, PRESENT TO THE HOUSING INSPECTOR THE JOB CARD, PERMIT APPLICATION AND PERMITS INDICATING THAT ALL REQUIRED WORK UNDER PERMIT IS COMPLETE. PRIOR TO REINSPECTION BY HOUSING INSPECTOR, CALL BUILDING, ELECTRICAL AND/OR PLUMBING INSPECTOR(S) FOR REQUIRED INSPECTION(S).

ALL ITEMS MUST BE COMPLETED WITHIN 30 **DAYS.** **REINSPECTION DATE :** 04 January 2011 02:00 PM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : David Herring AT 415-558-6212

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

DEPARTMENT OF BUILDING INSPECTION
Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street, 6th Floor, San Francisco, California 94103-2414
(415)558-6220 Fax No. (415) 558-6249 Email: DBIHIDComplaints@sfgov.org
Website: www.sfgov.org/dbi

NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S).

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section **102A.3** of the San Francisco Building Code provides that in addition to the civil penalties described therein, the Department of Building Inspection's costs, including preparation, inspections, appearances at hearings and all attendant costs for this code enforcement action shall be assessed upon the property owner, at an accrued hourly rate set forth in Section **110A.**, Tables **IA-G**, and **IA-K** of the San Francisco Building Code, if the owner of record does not complete the authorized corrective action for all code violations cited in the Notice(s) of Violation, and has a final inspection by the inspector to verify complete code compliance related to said Notice(s) prior to the issuance of an Order of Abatement on the property by the Department of Building Inspection. The property owner will be notified by letter of the imposition of the Assessment of Costs following issuance and recordation of an Order of Abatement. Failure to pay the Assessment of Costs shall result in tax lien proceedings against the property owner pursuant to Sections **102A.3**, **102A.16**, **102A.17**,**102A.18** et seq., **102A.19** et seq.,and **102A.20** of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section **17274** and **24436.5** of the Revenue and Taxation Code provide, interalia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section **17274(c)** of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section **102A** of the San Francisco Building Code and Sections **204**, **401** and **1001(d)** of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section **204** of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding **$1,000.00**, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections **107A.5**, and **110A**, Table **1A-K** of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the **Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.**

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections **17980.1** and **17980.6** of the California Health & Safety Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and post or send a copy to each residential unit affected.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT: Pursuant to Section **17980.6** of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section **1942.5** of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a **$170.00** fee will be charged until the violations are abated pursuant to Sections **108A.8** and **110A**, Table **IA-G** of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section **3423** of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed **$500.00** per day plus administrative costs as provided by Section **3423.8** of this Code.

UPON COMPLETION OF ALL WORK: Contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled *What You Should Know About the Department of Building Inspection Code Enforcement Process* or download the document from the Department website.

EXHIBIT "K"

RECORDING REQUESTED BY:
DEPT. OF BUILDING INSPECTION

WHEN RECORDED RETURN TO:
DEPT. OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES
1660 MISSION STREET, 6TH FLOOR
SAN FRANCISCO, CA 94103

[redacted]
San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2012-J508199-00
Acct 40-SFCC Bureau Of Building Inspections
Monday, SEP 24, 2012 11:47:05
Tel Pd $0.00 Rcpt # 0004512539
REEL K738 IMAGE 0200
okc/KC/1-6

ORDER OF ABATEMENT
587 Haight St.

Block/Lot/Seq. - 0860/028/01

NO. 201079226 – A
(DC0 - DH June 28, 2012)

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., Acting Director

ORDER OF ABATEMENT - ORDER NO. 201079226

Owner: CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA
94618

Address: 587 HAIGHT ST,
Block: 0860 **Lot:** 028 **Seq:** 01
Census Tract: 168 **Source:** DC0
Complaint: 201079226
Date Order of Abatement Issued: July 26, 2012
Inspector/Division: Mansur\HIS
Housing Division Representative: Andrew Karcs
Hearing Officer: Matt Greene

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **June 28, 2012** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **DID** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **December 3, 2010**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

7 Days to complete all work - appropriate Building permit(s) required

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the inspector indicated above within Housing Inspection Services at (415) 558-6220. Fax (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui

Tom C. Hui, S.E., Acting Director
Department of Building Inspection

Approved for distribution on August 14, 2012
by Rosemary Bosque, Chief Housing Inspector

EXHIBIT "レ"

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201224621

OWNER/AGENT:
MAILING ADDRESS:
MILDRED CREAR
5845 MENDOCINO AVENUE
OAKLAND CA 94618

DATE: 08-MAY-12

LOCATION: 587 HAIGHT ST
BLOCK: 0860 **LOT:** 028
NOTICE TYPE: COMPLAINT

BUILDING TYPE: APT **USE TYPE:** R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

	ITEM	DESCRIPTION
1	REPAIR WINDOW SASH CORDS (1001(h) HC)	At the third room from front on the east side of the building, the bedroom window has missing sash cords. Provide sash cords and repair, replace and/or adjust as needed so this window operates correctly, can be latched and provides adequate seal.
2	INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector to all areas cited within this Notice. It is the responsibility of the property owner to provide tenants with notification, as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b)), if any dwellings, apartment units or guest rooms are to be accessed during reinspection(s).

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. **REINSPECTION DATE :** 11 June 2012 11:30 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : May-Ling Dea AT --

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $170.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
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NOTICE OF VIOLATION WARNINGS!

TO THE PROPERTY OWNER(S), THEIR SUCCESSORS, AND ALL OTHER PERSONS HAVING ANY INTEREST IN THE ABOVE DESCRIBED PROPERTY LOCATED IN THE CITY AND COUNTY OF SAN FRANCISCO PLEASE TAKE NOTICE:

COMPLIANCE WITHIN SPECIFIED TIME FRAME REQUIRED: The described premises were inspected by inspector(s) of the Department of Building Inspection. As a result of the inspection(s), violations were found to exist and were listed in the Notice of Violation mailed to the property owner(s). ACCORDINGLY, the owner(s) of the above described property are required, within the time frame set forth in this Notice, to make application (if required) for the necessary permits, to correct the conditions diligently and expeditiously, and to complete the work within the specified time on the attached NOTICE(S), to be verified by the appropriate Inspector through site inspection.

COST OF CODE ENFORCEMENT WILL BE BORNE BY THE PROPERTY OWNER: Section 102A.3 of the San Francisco Building Code provides that in addition to the civil penalties described therein, the property owner shall be assessed all attendant, administrative, and inspection's costs incurred by the Department of Building Inspection for the property owner's failure to comply with this Notice. These costs arise from department time accrued pertaining but not limited to: (1) monthly violation monitoring, (2) case inquiries (phone calls, counter visits, response to correspondence, etc.), (3) case management, (4) permit history research, (5) notice/hearing preparation, (6) inspections, (7) staff appearances/reports at hearings, and (8) case referrals.

Assessment of Costs will accrue when the property owner fails to comply with this Notice through: (1) a monthly violation monitoring fee of $52.00, and (2) an hourly rate of $104.00 for case management/administration, and $170.00 for inspections, as provided for in Sections 102A.3, 102A.17, and Section 110A, Tables IA-D, and IA-K of the San Francisco Building Code. The property owner will be notified by letter of the accrued Assessment of Costs following failure to comply with this Notice. Failure to pay the Assessment of Costs shall result in: (1) the case not being legally abated until all assessments are paid, and (2) tax lien proceedings against the property owner pursuant to Sections 102A.3, 102A.16, 102A.17,102A.18 et seq., 102A.19 et seq.,and 102A.20 of the San Francisco Building Code.

REFERRAL TO STATE FRANCHISE TAX BOARD: Section 17274 and 24436.5 of the Revenue and Taxation Code provide, interalia, that a taxpayer who derives rental income from housing determined by the local regulatory agency to be substandard by reason of violation of state or local codes dealing with housing, building, health and/or safety, cannot deduct from state personal income tax and bank and corporate income tax, deductions for interest, depreciation of taxes attributable to such substandard structure where substandard conditions are not corrected within six (6) months after Notice of Violation by the regulatory agency. If corrections are not completed or being diligently and expeditiously and continuously performed after six (6) months from the date of this Notice of Violation, notification will be sent to the Franchise Tax Board as provided in Section 17274(c) of the Revenue and Taxation Code.

PUBLIC NUISANCES & MISDEMEANORS: Section 102A of the San Francisco Building Code and Sections 204, 401 and 1001(d) of the San Francisco Housing Code provide that structures maintained in violation of the Municipal Code are public nuisances and as such are subject to the code enforcement action delineated therein. Section 204 of the Housing Code provides that any person, the owner(s) or his authorized agent who violates, disobeys, omits, neglects or refuses to comply with the Housing Code, or any order of the Director, made pursuant to this Code, shall be guilty of a misdemeanor, upon conviction thereof punishable by a fine not exceeding $1,000.00, or by imprisonment not exceeding six (6) months, or by both fine and imprisonment, and shall be deemed guilty of a separate offense for every day such violations continue.

PERMIT REQUIREMENTS: Any required permit application must be applied for within the time limit set forth in the attached Notice(s). Permit applications are to be filed with the requisite plans, drawings, and specifications at the Central Permit Bureau, Department of Building Inspection, at 1660 Mission Street, 1st Floor. A post card will be mailed to you by the Central Permit Bureau when the building permit is ready to be picked up. Pursuant to Sections 107A.5, and 110A, Table 1A-K of the San Francisco Building Code investigation fees, are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance at 1660 Mission Street, 3rd floor, Room 3036 at (415) 575-6880.

NOTIFICATION TO BUILDING TENANTS: Pursuant to Sections 17980.1 and 17980.6 of the California Health & Safety Code, and Section 102A.3 of the San Francisco Building Code, when issuing a Notice of Violation the local jurisdiction shall post a copy of the Notice in a conspicuous place on the property and make available a copy to each tenant thereof.

PROPERTY OWNER/LESSOR MAY NOT RETALIATE AGAINST TENANT/LESSEE FOR MAKING A COMPLAINT Pursuant to Section 17980.6 of the California Health & Safety Code, the property owner may not retaliate against the tenant/lessee for exercising rights under the Section 1942.5 of the California Civil Code.

REINSPECTION FEES: For every inspection, after the initial re-inspection, a $170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD-BASED PAINT DISTURBANCE: Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed $500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled What You Should Know About the Department of Building Inspection Code Enforcement Process or download the document from the Department website.
NCTS_NOV.rdf revised 6/22/2011

EXHIBIT "M"

DEPARTMENT OF BUILDING INSPECTION

Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street 6th Floor, San Francisco, California 94103-2414
(415) 558-6220 Fax: (415) 558-6249 Email: DBIHIDComplaints@sfgov.org Website: www.sfdbi.org

NOTICE OF VIOLATION

COMPLAINT: 201473342

OWNER/AGENT: CREAR MILDRED
MAILING ADDRESS: CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA

94618

DATE: 12-MAY-14

LOCATION: 587 HAIGHT ST
BLOCK: 0860 **LOT :** 028
NOTICE TYPE: OTHER

BUILDING TYPE: APT **USE TYPE:** R2

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	PROVIDE ADEQUATE LIGHTING (504g HC)	At the time of inspection the owner was unable to demonstrate that there was a functioning interior light at the buildings front entry. Provide the required lighting. An electrical permit is required if adding wiring. provide a copy of finaled permits to the Housing Inspector at the time of re-inspection.
2	PROVIDE ELECTRICAL PERMIT (90.25 EC)	An electrical permit is required for adding new wiring.
3	INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend the re-inspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice. If the property owner cannot attend the scheduled re-inspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the re-inspection. IMPORTANT NOTE: Due to the violations noted, this property is defined as a Nuisance per sec. 1001-d of the SFHC. Please review the attached "Notice of Violation Warnings" for information regarding failure to comply with this notice.

ALL ITEMS MUST BE COMPLETED WITHIN 21 DAYS. **REINSPECTION DATE :** 02 June 2014 11:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Stephen Mungovan AT 415-558-6496

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DEPARTMENT OF BUILDING INSPECTION
Housing Inspection Services Division
City and County of San Francisco
1660 Mission Street, 6th Floor, San Francisco, California 94103-2414
(415) 558-6220, Fax No. (415) 558-6249, Email: DBIHIDComplaints@sfgov.org
Website: www.sfdbi.org

NOTICE OF VIOLATION WARNINGS!

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RE-INSPECTION FEES: For every inspection, after the initial re-inspection, a $170.00 fee will be charged until the violations are abated pursuant to Sections 108A.8 and 110A, Table IA-G of the San Francisco Building Code.

VIOLATIONS OF WORK PRACTICES FOR LEAD BASED PAINT DISTURBANCE:
Section 3423 of the San Francisco Building Code regulates work that disturbs or removes lead paint. Failure to comply with these requirements may result in a penalty not to exceed $500.00 per day plus administrative costs as provided by Section 3423.8 of this Code.

Upon completion of all required work, you must contact the designated Housing Inspector for a final inspection, unless otherwise specified. Please contact the Housing Inspection Services Division if you have any questions. If you want more information on the overall code enforcement process you may request a copy of the Department brochure entitled *What You Should Know About the Department of Building Inspection Code Enforcement Process* or download the document from the Department website.

EXHIBIT "N"

RECORDING REQUESTED BY:
DEPT. OF BUILDING INSPECTION

WHEN RECORDED RETURN TO:
DEPT. OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES
1660 MISSION STREET, 6TH FLOOR
SAN FRANCISCO, CA 94103

CONFORMED COPY of document recorded

08/25/2014,2014J931591

on_____with document no._____
This document has not been compared with the original
SAN FRANCISCO ASSESSOR-RECORDER

ORDER OF ABATEMENT
587 HAIGHT ST

Block/Lot/Seq. - 0860 / 028 / 01

NO. 201473342A

DC1- DH 03-JUL-14

City and County of San Francisco
Department of Building Inspection

Edwin M. Lee, Mayor
Tom C. Hui, S.E., C.B.O., Director

ORDER OF ABATEMENT - ORDER NO. 201473342

Owner: CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA
94618

Address: 587 HAIGHT ST,
Block: 0860 **Lot:** 028 **Seq:** 01
Census Tract: 168 **Source:** DC1
Complaint: 201473342
Date Order of Abatement Issued: July 24, 2014
Inspector/Division: Mungovan\HIS
Housing Division Representative: David Herring
Hearing Officer: Tony Grieco

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **July 3, 2014** in accordance with the San Francisco Building Code Section 102A. The hearing was conducted by a representative of the Director. The property owner received notification of the hearing as required by Section 102A.4 of the San Francisco Building Code. The property owner/representative **did** attend the hearing.

After a full and fair consideration of the evidence and testimony received at the hearing, **THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:**

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation (NOV) dated: **May 12, 2014**
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102A of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, **THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICES(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:**

7 **Days to complete all work - appropriate Electrical permit(s) required**

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the ASSESSMENT OF COSTS incurred in clearing this case pursuant to Section 102A.3 and 102A.17 of the San Francisco Building Code. For information contact the inspector indicated above within Housing Inspection Services at (415) 558-6220. Fax (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within fifteen (15) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6220.

Very truly yours,

Tom C. Hui

Tom C. Hui, S.E., C.B.O., Director
Department of Building Inspection

Andrew Kaus for RJ Bosque

Approved for Distribution on August 5, 2014
by Rosemary Bosque, Chief Housing Inspector

EXHIBIT "D"

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200668632

OWNER/AGENT: CREAR MILDRED
MAILING ADDRESS: CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA

94618

DATE: 01-MAY-06
LOCATION: 575 HAIGHT ST
BLOCK: 0860 **LOT:** 029
NOTICE TYPE: OTHER

BUILDING TYPE: APT **USE TYPE:** R1

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	577 HAIGHT STREET, UNLESS OTHERWISE NOTED
2	REPAIR STAIRS (1001(b)(13)HC)	1)Repair the rear exterior stairs. Deteriorated posts, joists, stringers and floorboards were noted at the time of initial inspection. There are no handrails. 2)Repair the front exterior stairs. Deteriorated treads and risers were noted at teh time of initial inspection. Repair as necessary to maintain a safe and sound structure. YOU ARE REQUIRED TO OBTAIN A BUILDING PERMIT TO CORRECT THIS VIOLATION. When all work is complete the Building Inspector must inspect and sign the final inspection JOB CARD before the Housing Inspector can abate this violation. Please present the signed job card indicating that work is complete to the housing inspector at Reinspection Day.
3	REPAIR WEATHER PROOFING ON SIDING (1001(h),703 HC)	Repalce the missing shingles at the rear exterior of the building.
4	REMOVE EGRESS OBSTRUCTION(801,1001(l) HC)	Remove storage from rear stairs. This area is to be kept clear at all times.
5	REMOVE EGRESS OBSTRUCTION(801,1001(l) HC)	Remove storage and garbage receptacles from side passageway.
6	REPAIR SINK (1001f HC)	In 577 Haight St, repair the leak at the kitchen sink.
7	REPAIR FAUCET (1001f HC)	In 577 Haight St, repair faucet at rear bathroom.
8	REPAIR TOILET (1001f HC)	In 577 Haight St, repair the toilet off hallway. Toilet doesn't flush properly.
9	REPAIR DRAINAGE AT EXTERIOR (1001f HC)	Provide proper drainage for exterior deck at the rear of #577.
10	REPAIR DRAINAGE AT EXTERIOR (1001f HC)	Reattach downspout for for front exterior deck.

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200668632

11	REPAIR WATER DAMAGED WALLS AND CELININGS (1001b,h,o HC)	In 577 Haight St, repair the water damage at the rear bedroom and the living room. Repaint affected areas. YOU MUST LOCATE AND REPAIR THE SOURCE OF WATER DAMAGE BEFORE PROCEEDING WITH ANY COSMETIC REPAIRS
12	REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE ATTACHED LEAD HAZARD WARNING. (1301 HC)	Remove the extensive peeling and damaged paint throughout the erear and side exterior of the building. REPAINT DO ALL WORK IN A LEAD SAFE MANNER
13	Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises. For interior or exterior paint removal : Always wet the surface, contain and properly dispose of leaded paint. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (Sec.3604, SFBC) Informational packets are available at (415) 558-6088. You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 554-8930 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.	
14	PROVIDE SELF-CLOSING DEVICES AT EXTERIOR DOORS (706 HC)	Adjust door closer at front gate. Gate must close and LOCK without any outside assistance.
15	INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on the Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection and to provide access to all areas cited within this Notice. If the property owner cannot attend the scheduled reinspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303 (b)), is any dwellings, apartment units or guest rooms are to be accessed during reinspection. HOUSING INSPECTOR CAN BE CONTACTED MONDAY THROUGH FRIDAY FROM 8:00 AM TO 9:00 AM OR 4:00 PM TO 5:00 PM.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 03 August 2006 10:00 AM

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200668632

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Richard Marquez AT 415-558-6211

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $84.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

Pursuant to SFBC 304(e) and 332.3 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor, 554-6720.

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 203(b) & 332.3

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of $100 for each instance of initial non-compliance, followed by $200 fines per violation for the second instance of non-compliance, up to a maximum of $7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than $1,000 per day or six months imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandarad structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six(6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17264(c)of the Revenue and Taxation Code.

WARNING: The owner or operator of rental housing determined to be substandard by the Department of Building Inspection cannot retaliate against a tenant pursuant to Section 1942.5 of the California Civil Code. This notice or order is issued pursuant to the Health and Safety Code Section 17980.6 and the failure to comply may result in a court appointed receiver to bring the substandard structure into compliance. Tenants may be prayed benefits, if temporarily relocated.

De acuerdo a las Secciones 304(e) y 332.3 de el Codigo de Construcion de Edificios de San Francisco, gastos de investigacion seran cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo, que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, telefono 554- 6720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspeccion de Edificios tendra el derecho de iniciar el proceso de mitigacion. Si una Orden de Mitigacion es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicacion del codigo, desde la primera puesta del Aviso de infraccion hasta que todos los gastos esten pagados, se le cobraran al dueno del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Seccion 203(b) y 332.3 de el Codigo de Construccion de Edificios.

ADVERTENCIA: La Seccion 204 de el Codigo de Vivienda de San Francisco permite que se multe inmediatamente $100 por cada primer caso de inconformidad, seguida por una multa de $200 por cada segunda infraccion de inconformidad, aumentando hasta un maximo de $7,500 por cada edificio. Esta Seccion tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de $1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que reciba renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspeccion de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciacion o taxes atribuidos sobre dicha estructura. Si el trabajo de reparacion no se termina o esta diligentemente,rapidamente y contuamente acusado despues de seis (6) meses de la fecha de este aviso, se le enviara una notificacion a la Junta de Concesion de Impuestos (Franchise Tax Board) de acuerdo a la Seccion 1264(c) del Codigo de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: El propietario o administrador de viviendas que no se ajustan a los requisitos del Departamento de Inspeccion de Edificios no puede tomar represalias contra los inquilinos, de acuerdo a la Seccion 1942.5 del Codigo Civil de California. Se da esta orden o aviso de acuerdo al Codigo de Salud y Seguridad Seccion 17980.6. Si no se cumple con esta orden, la corte puede nombrar a alguien para que haga las correcciones necesarias y la estructura sea ajustada a los requisitos. Los inquilinos pudieran recibir beneficios, si se les moviera temporalmente.

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EXHIBIT "1"

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200671108

OWNER/AGENT: CREAR MILDRED
MAILING ADDRESS: CREAR MILDRED
5845 MENDOCINO AVE
OAKLAND CA

94618

DATE: 02-JUL-06

LOCATION: 575 HAIGHT ST
BLOCK: 0860 **LOT:** 029
NOTICE TYPE: COMPLAINT

BUILDING TYPE: APT **USE TYPE:** R1

YOU ARE HEREBY ORDERED TO COMPLY WITH THE FOLLOWING REQUIREMENTS:

ITEM		DESCRIPTION
1	THIS NOTICE INCLUDES VIOLATIONS FOR THE AREAS NOTED.	579 HAIGHT STREET.
2	REPAIR INTERIOR GUARDRAIL (802(c),1001(b)(13)HC)	SECURE LOOSE GUARDRAIL AT TOP OF STAIRS.
3	REPAIR WINDOW SASH FRAME (1001(h),708 HC)	REPAIR WINDOW SASH FRAME IN KITCHEN AND ATTIC SPACE. WINDOWS MUST OPEN AND CLOSE EASILY, AND STAY OPEN WITHOUT ASSISTANCE.
4	REPLACE BROKEN GLASS WINDOW PANE (1001(h),708 HC)	REPLACE BROKEN WINDOW PANES IN ATTIC SPACE.
5	REPAIR SINK (1001f HC)	REPLACE DETERIORATED AND RUSTY SINK BASIN IN BATHROOM.
6	REMOVE RUBBISH OR TRASH (1306,1307 HC)	REMOVE ALL GARBAGE AND TRASH LOCATED IN ATTIC SPACE OF UNIT.
7	REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE ATTACHED LEAD HAZARD WARNING. (1301 HC)	REMOVE DETERIORATED AND DAMAGED PAINT THROUGHOUT ENTIRE UNIT, INCLUDING ATTIC SPACE. REPAINT ALL AFFECTED AREAS OF UNIT.
8	Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises. For interior or exterior paint removal : Always wet the surface, contain and properly dispose of leaded paint. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (Sec.3604, SFBC) Informational packets are available at (415) 558-6088. You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 554-8930 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.	
9	REPLACE FLOOR COVERING (1001b,j,o HC)	CLEAN/SANITIZE OR REPLACE SEVERELY SOILED CARPETING ON INTERIOR STAIRS, AT TOP LANDING AND IN HALLWAY OF UNIT.

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

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COMPLAINT: 200671108

10	REPAIR DAMAGED WALLS AND CEILINGS (1001b,h,o HC)	REPAIR SEVERELY DETERIORATED WALLS AND CEILING THROUGHOUT UNIT, INCLUDING FRONT ENTRY, HALLWAY, KITCHEN, BEDROOMS, KITCHEN PANTRY, BATHROOM AND ATTIC SPACE.
11	REPAIR GAS HEATER (1001 HC).	REPLACE MISSING COVER ON GAS HEATER IN FRONT BEDROOM OF UNIT, SECOND BEDROOM TO THE LEFT OF TOP LANDING AT INTERIOR STAIRS.
12	REPLACE KITCHEN CABINET (1001 HC).	REPLACE DETERIORATED BASE CABINET IN KITCHEN.
13	REPLACE FLOOR COVERING (1001b,j,o HC)	REPLACE DETERIORATED LINOLEUM FLOORING IN BATHROOM.
14	REPLACE DOOR HARDWARE IN BATHROOM (1001 HC).	REPLACE MISSING DOOR HARDWARE IN BATHROOM'S BATHING AREA OF UNIT.
15	ELIMINATE MOLD/MILDEW ON WALLS AND CEILING (1301,1001b(13),1306 HC)	ELIMINATE MOLD AND MILDEW IN BATHROOM.
16	REPAIR DAMAGED WALLS AND CEILINGS (1001b,h,o HC)	REPAIR DAMAGED WALLS AND CEILINGS IN ATTIC SPACE, INCLUDING ALL ROOMS AND AT FRONT ENTRANCE AND TOP LANDING OF INTERIOR STAIRS AREA IN ATTIC SPACE OF UNIT.
17	REMOVE OR COVER DAMAGED PAINT IN AN APPROVED MANNER TO PREVENT A LEAD HAZARD. SEE ATTACHED LEAD HAZARD WARNING. (1301 HC)	REMOVE AND REPAINT ALL DAMAGED WALLS AND CEILINGS IN ATTIC SPACE OF UNIT.
18	Disturbing lead based paint can be EXTREMELY DANGEROUS to dwelling occupants and visitors, particularly to young children, pregnant women, pets, and to people performing work on the premises. For interior or exterior paint removal : Always wet the surface, contain and properly dispose of leaded paint. If you are unsure whether the paint is leaded, you should test it prior to performing any work. If the paint is found to contain lead, you should consult with an expert about appropriate procedures. Proper containment and 3-day notification is required for exterior jobs of more than 10 sq.ft. (Sec.3604, SFBC) Informational packets are available at (415) 558-6088. You can contact the San Francisco Childhood Lead Poisoning Prevention Program at: (415) 554-8930 for free advice. IF YOU CAUSE LEAD DUST TO BE CREATED, YOU COULD BE LIABLE FOR ANY ILLNESS CAUSED BY THE DUST. Ordinance #446-97.	AS WORK PERTAINS TO ATTIC SPACE, AND THROUGHOUT BUILDING.
19	REPLACE MISSING LIGHT WELL ENTRY DOOR IN ATTIC SPACE (1001 HC).	REPLACE MISSING LIGHT WELL ENTRY DOOR LOCATED IN ATTIC SPACE OF UNIT.
20	REPAIR ALL DAMAGED AND DETERIORATED DOORS (1001 HC).	REPAIR ALL DETERIORATED WOODEN DOORS AND DOOR FRAMES IN ATTIC SPACE OF UNIT.
21	CLEARLY LABEL PROPERTY ADDRESS OF UNIT #579. (706 HC)	NUMBERING OF APARTMENT UNIT #579 IS REQUIRED.
22	REPLACE ENTRY DOOR (1001, 706 HC).	REPLACE DETERIORATED FRONT ENTRY DOOR.

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

COMPLAINT: 200671108

23	PROVIDE PRIMARY LOCKING DEVICES AT EXTERIOR DOORS (706 HC)	PROVIDE ONE-INCH DEAD BOLT LOCK FOR FRONT ENTRY DOOR.
24	INSPECTOR COMMENTS	It is the property owner's responsibility to be present or direct his/her representative to attend, the reinspection as scheduled on this Notice of Violation for the purpose of providing entry to the Inspector of those areas not accessed during the initial inspection as specified, and/or to provide access to all areas cited within this Notice. If the property owner cannot attend the scheduled reinspection (as specified on this Notice) it is his/her responsibility to secure a different inspection date and time with the Inspector, and provide all tenants with notification as required by California Civil Code Section 1954 (San Francisco Housing Code Section 303(b), if any dwellings, apartment units or guest rooms are to be accessed during the reinspection. Housing Inspector can be contacted between the hours of 8:00AM to 9:00AM and 4:00PM to 5:00PM.

ALL ITEMS MUST BE COMPLETED WITHIN 30 DAYS. REINSPECTION DATE : 03 August 2006 10:00 AM

IT IS RECOMMENDED THAT THE OWNER/OWNERS REPRESENTATIVE CONFIRM REINSPECTION DATE/TIME.

CONTACT HOUSING INSPECTOR : Richard Marquez AT 415-558-6211

FOR EVERY INSPECTION AFTER THE INITIAL RE-INSPECTION, A $84.00 FEE WILL BE CHARGED UNTIL THE VIOLATIONS ARE ABATED. SFBC 108.8

DEPARTMENT OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES

CITY AND COUNTY OF SAN FRANCISCO
1660 Mission Street
San Francisco, CA 94103-2414

NOTICE OF VIOLATION

Pursuant to SFBC 304(e) and 332.3 investigation fees are charged for work begun or performed without permits or for work exceeding the scope of permits. Such fees may be appealed to the Board of Permit Appeals within 15 days of permit issuance, at 875 Stevenson St., 4th floor, 554-8720.

WARNING: Failure to take immediate action as required to correct the above violations will result in abatement proceedings by the Department of Building Inspection. If an order of Abatement is recorded against this property, the owner will be billed or the property will be liened for all costs incurred in the code enforcement process from the posting of the first "Notice of Violation" until all costs are paid. SFBC 203(b) & 332.3

WARNING: Section 204 of the San Francisco Housing Code provides for immediate fines of $100 for each instance of initial non-compliance, followed by $200 fines per violation for the second instance of non-compliance, up to a maximum of $7,500 per building. This section also provides for issuance of a criminal charge as a misdemeanor for each violation, resulting in fines of not less than $1,000 per day or six months imprisonment or both.

WARNING: Anyone who derives rental income from housing determined by the Department of Building Inspection to be substandard cannot deduct from state personal income tax and bank and corporate income tax interest, depreciation or taxes attributable to such substandard structure. If correction work is not completed or being diligently, expeditiously and continuously prosecuted after six(6) months from the date of this notice, notification will be sent to the Franchise Tax Board as provided in Section 17284(c)of the Revenue and Taxation Code.

WARNING: The owner or operator of rental housing determined to be substandard by the Department of Building Inspection cannot retaliate against a tenant pursuant to Section 1942.5 of the California Civil Code. This notice or order is issued pursuant to the Health and Safety Code Section 17980.6 and the failure to comply may result in a court appointed receiver to bring the substandard structure into compliance. Tenants may be prayed benefits, if temporarily relocated.

De acuerdo a las Secciones 304(e) y 332.3 de el Codigo de Construcion de Edificios de San Francisco, gastos de investigacion seran cobrados por trabajo empezado o realizado sin los debidos permisos o por trabajo, que exceda el limite estipulado en los permisos. Dichos cobros pueden ser apelados ante la Junta de Apelaciones de Permisos (Board of Permit Appeals) dentro de los primeros quince dias de haberse obtenido el permiso. Las apelaciones se hacen en el 875 de la calle Stevenson, cuarto piso, telefono 554- 8720.

ADVERTENCIA: Si no cumple con las acciones inmediatas requeridas para corregir las infracciones, el Departamento de Inspeccion de Edificios tendra el derecho de iniciar el proceso de mitigacion. Si una Orden de Mitigacion es registrada contra dicha propiedad, los gastos incurridos durante el proceso de aplicacion del codigo, desde la primera puesta del Aviso de Infraccion hasta que todos los gastos estan pagados, se le cobraran al dueno del edificio o la propiedad sera embargada para recuperar dichos gastos. Referencia a la Seccion 203(b) y 332.3 de el Codigo de Construccion de Edificios.

ADVERTENCIA: La Seccion 204 de el Codigo de Vivienda de San Francisco permite que se multe inmediatamente $100 por cada primer caso de inconformidad, seguida por una multa de $200 por cada segunda infraccion de inconformidad, aumentando hasta un maximo de $7,500 por cada edificio. Esta Seccion tambien permite obtener cargos criminales como delito menor, resultando en multas de no menos de $1,000 diarios o 6 meses de encarcelamiento o ambas sanciones.

ADVERTENCIA: Cualquier persona que recibe renta por una vivienda que haya sido declarada que no satisface las normas requeridas por el Departamento de Inspeccion de Edificios, no puede deducir del estado intereses personales, de banco o empresa, depreciacion o taxes atribuidos sobre dicha estructura. Si el trabajo de reparacion no se termina o esta diligentemente,rapidamente y continuamente acusado despues de seis (6) meses de la fecha de este aviso, se le enviara una notificacion a la Junta de Concesion de Impuestos (Franchise Tax Board) de acuerdo a la Seccion 1284(c) del Codigo de Ingresos e Impuestos (Revenue and Taxation Code).

ADVERTENCIA: El propietario o administrador de viviendas que no se ajustan a los requisitos del Departamento de Inspeccion de Edificios no puede tomar represalias contra los inquilinos, de acuerdo a la Seccion 1942.5 del Codigo Civil de California. Se da esta orden o aviso de acuerdo al Codigo de Salud y Seguridad Seccion 17980.6. Si no se cumple con esta orden, la corte puede nombrar a alguien para que haga las correcciones necesarias y la estructura sea ajustada a los requisitos. Los inquilinos pudieren recibir beneficios, si se les moviera temporalmente.

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EXHIBIT "Q"

[redacted]

San Francisco Assessor-Recorder
Phil Ting, Assessor-Recorder
DOC- 2007-I375195-00
Acct 40-SFCC Bureau Of Building Inspections
Tuesday, APR 24, 2007 10:53:36
Ttl Pd $0.00 Nbr-0003218655
REEL J376 IMAGE 0320
ofm/FT/1-10

RECORDING REQUESTED BY:
DEPT. OF BUILDING INSPECTION

WHEN RECORDED RETURN TO:
S. HODGE
DEPT. OF BUILDING INSPECTION
HOUSING INSPECTION SERVICES
1660 MISSION STREET, 6TH FLOOR
SAN FRANCISCO, CA 94103

(Space above this line reserved for Recorder's use)

ORDER OF ABATEMENT

575 HAIGHT STREET

AKA 575 – 579 HAIGHT STREET

Block/Lot No: 0860/029

NOTICES OF VIOLATION NOS:
200668632 DC0 & 200671108

(02/08/07)

DEPARTMENT OF BUILDING INSPECTION

City and County of San Francisco
1660 Mission Street, San Francisco, California 94103-2414

ORDER OF ABATEMENT
ORDER NO. 200668632 - A

Owner:
Mildred Crear
5845 Mendocino Avenue
Oakland, CA 94618

Address: 575 Haight Street
aka 575 – 579 Haight Street
Block: 0860 Lot: 029 Seq: 01
Census Tract: 168 Source: DC0
Inspector/Division: Marquez/HID
Includes Complaint Nos:
200668632 and 200671108
Date Order of Abatement Issued: February 13, 2007

A Hearing on the complaint of the Director of the Department of Building Inspection against the property referenced above was held on **February 08, 2007** in accordance with the San Francisco Building Code Section 102. The hearing was conducted by a representative of the Director. The property owner was represented.
After a full and fair consideration of the evidence and testimony received at the hearing,
THE DIRECTOR FINDS AND DETERMINES THE FOLLOWING:

1. That Notice has been duly given as required by law 10 days prior to the hearing.
2. That the conditions are as stated in the complaint of the Director of the Department of Building Inspection attached as the Notice(s) of Violation dated: **May 01, 2006 and July 02, 2006**.
3. That the Conditions of said structure(s) constitutes an unsafe building or a public nuisance pursuant to Section 102 of the San Francisco Building Code and Section 1001(d) of the San Francisco Housing Code.

Based on the findings set forth above, THE DIRECTOR OF THE DEPARTMENT OF BUILDING INSPECTION HEREBY ORDERS THE PROPERTY OWNER OF SAID BUILDING TO ABATE ALL VIOLATIONS CITED IN THE ATTACHED NOTICE(S) OF VIOLATION AND COMPLY WITH THE FOLLOWING DIRECTIVES COMMENCING FROM THE DATE THIS ORDER IS POSTED & SERVED:

30 Day Order of Abatement – 15 Days to File for a Building permit; 15 Days to meet Plan Review requirements; and 30 Days to complete all work.

The Department of Building Inspection **SHALL BE REIMBURSED** by the property owner for the **ASSESSMENT OF COSTS** incurred in clearing this case pursuant to Section 102.3 and 102.17 of the San Francisco Building Code.
For information contact the Inspector indicated above within Housing Inspection Services at (415) 558-6220, Fax: (415) 558-6249. This Order may be appealed to the Abatement Appeals Board within ten (10) days of the posting and service of said Order. Appeal forms and filing fee information can be obtained from the Board's Secretary at 1660 Mission Street, 6th floor, (415) 558-6454.

Very truly yours,

Amy Lee, Acting Director

APPROVED: February 13, 2007

Hearing Officer: Louise Kimball
Enclosures

SUMMONS
(CITACION JUDICIAL)

ORIGINAL

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: MILDRED CREAR and DOE ONE through DOE FIFTY, inclusive,
(AVISO AL DEMANDADO):

YOU ARE BEING SUED BY PLAINTIFF: CITY AND COUNTY OF SAN FRANCISCO, a Municipal Corporation, and the PEOPLE OF THE STATE OF CALIFORNIA, by and through Dennis J. Herrera, City Attorney for the City and County of San Francisco
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (*www.lawhelpcalifornia.org*), the California Courts Online Self-Help Center (*www.courtinfo.ca.gov/selfhelp*), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of $10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. *¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a* continuación

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), *en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), *en el Centro de Ayuda de las Cortes de California,* (www.sucorte.ca.gov) *o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de $10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO
400 McAllister Street, Room 103
San Francisco, CA 94102

CASE NUMBER (Número del Caso): CGC 14-541399

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
DENNIS J. HERRERA, City Attorney (SBN 139669) 415-554-3970 415-437-4644
MEGAN CESARE-EASTMAN, Deputy City Attorney (SBN 253845)
1390 Market Street, Sixth Floor
San Francisco, CA 94102-5408

DATE: AUG 28 2014 (Fecha) CLERK OF THE COURT Clerk, by M.A. MORAN (Secretario), Deputy (Adjunto).

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

[SEAL]

NOTICE TO THE PERSON SERVED: You are served
1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of *(specify):*
3. ☐ on behalf of *(specify):*

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other *(specify):*

4. ☐ by personal delivery on *(date):*

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Legal Solutions Plus

Code of Civil Procedure §§ 412.20, 465